

Annual Security and Fire Safety Report

2020

Kenyon



From the President

The safety of our campus community is essential to the mission of the College. The Kenyon educational experience provides the opportunity for all students to reach their full intellectual potential and go on to lead fulfilling and successful lives after graduation. A community that fosters a safe and welcoming environment helps us to reach those goals. All of us in the Kenyon community of students, faculty and staff must make personal safety our highest concern. Please take time to review this compendium of policies, procedures, safety measures and crime statistics from the 2019 calendar year that help shed light on our campus environment. Thank you for your continued attention to this important issue.

Sean M. Decatur
President, Kenyon College

From the Director of Campus Safety

On behalf of the members of Kenyon's Campus Safety, I want to thank you for your interest in our Annual Security and Fire Safety Report. We publish this report because it contains valuable information for our campus community. We encourage you to review the information we have made available to you in this report. You will find information about our organization, including descriptions of certain services that we provide. You will also become familiar with our strong commitment to victims of crimes and the extensive services we make available to crime victims. Lastly, you will find important information about security policies and procedures on our campus, crime data, and crime prevention information. We join President Decatur in the commitment to foster a secure and supportive environment at Kenyon College. We are proud to be an integral part of the College's tradition of excellence. Campus safety and security is a collaborative effort at Kenyon. We partner with the many departments that have a critical role in fostering campus safety, including the Student Affairs Division, the Office for Civil Rights/Title IX and other offices. It has always been our goal to provide the highest quality of public safety services to the College community, and we are honored to collaborate with the entire Kenyon community. The men and women of Campus Safety are committed to making the College campus a safe place in which to live, work and study.

Michael Sweazey
Director of Campus Safety

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Annual Security Report

Preparation of the Annual Security Report and Disclosure of Crime Statistics

The Office of Campus Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act and the Higher Education Opportunity Act of 2008 and Violence Against Women Act (VAWA). It is compiled using information maintained by the Office of Campus Safety, information provided by other College offices such as the Office for Civil Rights, Student Affairs including the Office of Student Rights and Responsibilities and, Housing and Residential Life and other Campus Security Authorities, and information provided by local law enforcement agencies. Each of these offices provides updated policy information and/or crime data.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased or controlled by Kenyon College. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs.

The College normally distributes conspicuous notice of the availability of this Annual Security and Fire Safety Report by October 1 of each year to every member of the College community. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting the Office of Campus Safety by emailing clery@kenyon.edu, by phone 740-427-5000 or by visiting kenyon.edu/crime-statistics. Due to the Covid-19 pandemic, the U.S. Department of Education extended the requirement of distribution of this 2019 ASR to December 31, 2020.

Reporting Crimes and Other Emergencies

The College encourages all students, faculty, staff, community members and visitors to promptly report all crimes and other safety related incidents, including suspicious activity or persons. Prompt reporting ensures effective response, investigation and appropriate follow-up actions, including issuing a Timely Warning or Emergency Notification.

EMERGENCY REPORTING

Students, faculty, staff and guests are encouraged to report all crimes, medical emergencies and other safety related incidents to the Kenyon College Campus Safety Department in a timely manner by dialing 740-427-5555 (emergency line). Be prepared to stay on the line and provide as much information as possible. The request to call Campus Safety first is to better assist the local enforcement departments in locating the emergency. However, if 911 is called first, please call Campus Safety at 740-427-5555 immediately afterwards.

NON-EMERGENCY — REPORTING TO THE OFFICE OF CAMPUS SAFETY

Non-emergency reports of crimes should be reported to the Office of Campus Safety in a timely manner. Campus Safety has a dispatch center that is available by phone at 740-427-5000 or in person 24 hours a day at the Office of Campus Safety, 101 Scott Lane. Safety concerns and crime reporting is also available through the Rave Guardian application available for iPhone and Android mobile devices. Though there are many resources available, the Office of Campus Safety should be notified of any crime to assure the College can assess any and all security concerns and inform the community if there is a significant threat to the Kenyon community.

RAVE GUARDIAN

The Rave Guardian app can be downloaded from the iOS App Store or Google Play and provides several tools you can use to enhance your safety on campus:

- Make emergency calls and provide safety tips: Call or provide tips (including photos) to Campus Safety about an unsafe situation on campus, or call 911 directly from the app.
- Directly contact friends or family: Import contacts and communicate directly with trusted contacts.
- Set a safety timer: If you're heading out alone, set a safety timer. The app automatically notifies your contacts if the timer expires before you disable it.
- Guard someone else: Receive safety notifications on behalf of others.
- Create a safety profile: Automatically share key information about yourself, including a photo and information about medical conditions or allergies, in the event of an emergency.

EMERGENCY PHONES

There are thirty (30) blue-light emergency-call boxes on campus. These stations immediately connect you with Campus Safety. Do not hesitate to use the call boxes for emergency assistance and information, medical assistance, fire alert, reporting crimes or suspicious persons, reporting vehicular accidents, or if you feel unsafe for any reason. There is no handset; simply push the button, talk, and you will be in two-way communication with a safety officer. If you are unable to speak, an officer will be dispatched to the call box location immediately. If you are unable to remain in the area, give your name and your intended direction of travel.

REPORTING TO OTHER CAMPUS SECURITY AUTHORITIES

While the College prefers that community members promptly report all crimes and other emergencies directly to the Campus Safety emergency line at 740-427-5555 or 911, we also recognize that some may prefer to report to other individuals or College offices. The Clery Act recognizes certain College officials and offices as Campus Security Authorities (CSAs). The Clery Act defines these individuals as “an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”

While the College has identified numerous CSAs at the College, we officially designate the following offices as places where campus community members should report crimes.

Official	Campus Address	Phone Number
Campus Safety	101 West Scott Lane	740-427-5000
Campus Safety Emergency Line	101 West Scott Lane	740-427-5555
Vice President for Student Affairs	Gund Commons Lower Level	740-427-5136
Dean of Students	Gund Commons Lower Level	740-427-5136
Director for Human Resources	Eaton Center 158	740-427-5171
Civil Rights/Title IX Coordinator	Eaton Center 258	740-427-5820
Civil Rights/Title IX Deputy Coordinator	Eaton Center 259	740-427-5245
Office of Student Rights and Responsibilities	007 Gund Commons	740-427-5140
Ombudsperson	Eaton Center 159	740-427-5867
Housing and Residential Life (including all CAs and professional staff)	202 Gund Commons	740-427-5142

VOLUNTARY, CONFIDENTIAL REPORTING

If crimes are never reported, little can be done to help other members of the community from also becoming victims. We encourage Kenyon community members to report crimes promptly and to participate in and support crime prevention efforts. The Kenyon community will be much safer when all community members participate in safety and security initiatives.

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the College or criminal justice system, we ask that you consider filing a voluntary confidential report. Depending upon the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personally identifying information confidential, while taking steps to ensure your safety and the safety of others. The confidential reports allow the College to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Disclosure of Crime Statistics and/or Annual Fire Safety Report. In limited circumstances, Campus Safety may not be able to assure confidentiality and will inform you in those cases.

Anyone may call the Office of Campus Safety at 740-427-5000 to report concerning information. Callers may remain anonymous. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may limit the College's ability to respond or take further action.

PASTORAL AND PROFESSIONAL COUNSELORS

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by Kenyon College to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. As a matter of policy, the College encourages pastoral and professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them. Counseling is available for students via the Cox Health & Counseling Center (during regular administrative hours) and Protocol (24 hours, all year long). For full-time, benefited employees, the Employment Assistant Program (EAP) is available for counseling services at 1-888-293-6948 or by visiting workhealthlife.com/Standard3

CAMPUS SAFETY'S RESPONSE TO REPORTED CRIMES

Campus Safety's telecommunications officers/dispatchers cover telephone and two-way radio systems and monitor a complex computerized building alarm system on a 24-hour basis to provide information for response to emergencies.

Telecommunications officers are in communication with safety officers by radio assisting in the event of a report of a crime or emergency. If needed, the telecommunications officer will contact local law enforcement or other emergency responders.

DAILY CRIME AND FIRE LOG

A Daily Crime Log is maintained by the Office of Campus Safety and is available during regular business hours. The crime log contains reported crimes on or near the campus of Kenyon College and is available within two business days of the event. In cases where disclosure of certain elements of the incident would jeopardize an investigation or identify the victim, these elements will be withheld. The crime log contains the date, time and location of complaint. The crime log also includes the nature of the complaint and the most current disposition known to the report maker.

The most current 60 days of information is available at the dispatch center of the Campus Safety building. Upon request, a copy of any maintained Daily Crime will be made available for viewing upon request within 48 hours of notice.

About the Office of Campus Safety

ROLE, AUTHORITY AND TRAINING

The Office of Campus Safety protects and serves the Kenyon College community 24 hours a day, 365 days a year. Campus Safety is responsible, in whole or part, for a number of campus safety and security programs including Emergency Management, Community Safety and Security Education and physical security, including security technology and emergency medical response and assessment.

Kenyon College campus safety officers do not have the right to physically detain anyone, except as provided by law. Campus safety officers are not commissioned as Peace or Law Enforcement Officers by the State of Ohio and consequently carry no arrest powers. In cases where law enforcement is needed, the Knox County Sheriff's Office will be notified, along with the Director of Campus Safety or designee. The primary role of the campus safety officer during a criminal incident is to be a professional, trained, and active observer.

- The Department of Campus Safety comprises:
- 1 Director of Campus Safety
- 1 Assistant Director of Campus Safety/Clery Coordinator
- 1 Administrative Assistant
- 18 Campus Safety Officers
- 7 Telecommunication Officers (dispatchers)

The campus safety officers at Kenyon College:

- Have a minimum of a high school education
- Complete a 6 week training course
- Have training in self defense and restraining
- Maintain hazardous materials awareness level
- Have a working knowledge of all emergency systems on campus, including all fire systems.

All full time officers are Emergency Medical Responder trained and must complete the required continuing education requirements.

SAFETY, OUR NUMBER ONE PRIORITY

The College takes great pride in the community and offers students, faculty and staff many advantages. This community is a great place to live, learn, work and study; however, this does not mean that the campus community is immune from all of the other unfortunate circumstances that arise in other communities. With that in mind, Kenyon has taken progressive measures to create and maintain a reasonably safe environment on campus.

The College is committed to maintaining a safe environment through its policies, programs and education efforts, but it is up to each one of us to live with a sense of awareness and use reasonable judgment when living, working or visiting on campus.

WORKING RELATIONSHIP WITH LOCAL, STATE AND FEDERAL LAW ENFORCEMENT AGENCIES

The Office of Campus Safety maintains a cooperative relationship with the State Police, Knox County Sheriff and surrounding police agencies. This includes inter-operative radio capability, training programs, special events coordination and investigation of serious incidents.

Kenyon has worked with the Knox County Sheriff's Office and Knox County Prosecuting Attorney's Office to develop a Memorandum of Understanding regarding the reporting of and response to criminal activity on campus. In addition, Kenyon is working to develop a separate Memorandum of Understanding with the New Directions Domestic Abuse Shelter and Rape Crisis Center. Kenyon regularly invites appropriate personnel from these agencies to participate in training and discussions to ensure the appropriate and efficient response to incidents of sexual misconduct based upon a reasonable belief that such aid will enhance safety and efficiency.

Weapons/Firearms Policy

Kenyon College (the "College") strictly prohibits the possession or use of weapons, as defined by this policy, on Campus by anyone except law-enforcement officials, armored car couriers, others specifically authorized by the College to support curricular or co-curricular programs (e.g., theatre stage weaponry, athletic fencing equipment), or other lawful activities. Concealed Handgun Licensees and Active Duty Service Members may store a handgun in a locked motor vehicle. The firearm and all of the ammunition must remain inside the person's privately owned motor vehicle while the person is physically present inside the motor vehicle, or each firearm and all of the ammunition must be locked within the trunk, glove box, or other enclosed compartment or container within or on the person's privately owned motor vehicle. The person's vehicle must also be parked in an authorized location. The act of immediately placing a handgun in a locked motor vehicle will not be considered a violation of this policy.

DEFINITIONS

Active Duty Service Member: an active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in section 2923.125(G)(1) of the Ohio Revised Code. Active Duty Service Members should contact the Director of the Office of Campus Safety at 740-427-5000 for a determination as to whether the training meets this requirement under this policy before storing a handgun in a car on campus.

Concealed Handgun Licensee: an individual who has been issued a current and valid concealed handgun license under section 2923.125 of the Ohio Revised Code or has a current and valid concealed handgun license issued by another state with which the Ohio Attorney General has entered into a reciprocity agreement under section 109.69 of the Ohio Revised Code. A list of states with reciprocity agreements is found at the Ohio Attorney General's website: <http://www.ohioattorneygeneral.gov/Law-Enforcement/Concealed-Carry/Concealed-Carry-Reciprocity-Agreements>.

Weapons: include, but are not limited to: firearms, explosives, or any instrument or weapon of the kind commonly known as blackjack, slingshot, billy clubs, sandclubs, sandbag, or metal knuckles (including replica or facsimile weapons), paintball guns, tasers, toy weapons that could reasonably be mistaken for a firearm or explosive, or any other devices which could reasonably be mistaken for a firearm or explosive. This policy does not prohibit small quantity personal protection chemical spray devices (e.g., key chain sprays) intended for defensive purposes or tools possessed and used by employees in accordance with departmental policies.

Possession: includes, but is not limited to: storage in offices, residential facilities, lockers, desks, briefcases, or personal vehicles parked on the College's property.

Campus: includes all the lands and facilities of the College whether owned or leased, and whether located in the United States or abroad.

APPLICABILITY

This policy applies to anyone on Campus, including the College's personnel, students, volunteers, vendors, independent contractors and visitors. It also applies to the College's personnel and students attending or participating in a College-sponsored activity off campus.

SANCTIONS FOR USE OR POSSESSION OF WEAPONS

Sanctions will be imposed in accordance with the procedures of the Student Handbook, Staff Policies and Procedures Manual, or Faculty Handbook, as appropriate.

Personnel

With respect to the College's personnel (which includes faculty, staff and student staff, volunteers, vendors and independent contractors for the purpose of this policy), possession of weapons on campus or while attending or participating in a College-sponsored activity off campus is subject to corrective action, up to and including termination of employment, cancellation of any applicable contract and/or further legal action including, but not limited to, a trespass action, or a restraining order.

Students

With respect to students, possession of weapons on campus or while attending or participating in a College-sponsored activity off campus is subject to sanctions up to and including dismissal and/or further legal action including, but not limited to, a trespass action, or a restraining order.

Visitors

With respect to visitors, possession of weapons is subject to expulsion from campus by the Office of Campus Safety and further legal action including, but not limited to, a trespass action, or a restraining order.

REPORTING CONCERNS ABOUT WEAPONS, VIOLENCE, AND DESTRUCTION OF PROPERTY

The College expects all members of and visitors to the campus community to help maintain safety and security at/on campus and at College-sponsored activities off campus.

- All persons who have knowledge of weapons on campus have an obligation to report that knowledge promptly to the Director of Campus Safety or, in the Director's absence, an on-duty campus safety officer.
- All persons concerned about a situation that is potentially violent have an obligation to report that concern promptly to a campus safety officer, to the Office of Student Rights and Responsibilities, or to a supervisor.
- All persons concerned about an imminent threat of violence or about the imminent destruction of property are strongly encouraged to report that concern immediately to the Office of Campus Safety at 740-427-5555 or to local police (911). The College prohibits retaliation against anyone who makes a good faith report.

SEARCH

In cases of suspected possession of weapons by the College's students or personnel (which includes faculty, staff and student staff, volunteers, vendors or independent contractors for the purpose of this policy), the College reserves the right to search personal belongings on the College's property, including, but not limited to, student residences, employee office/work spaces, vehicles, purses, briefcases, bags, and articles of clothing (jackets, coats, etc.).

All such searches must be approved in advance by the Vice President for Finance or the Director of Human Resources in the case of staff, or the Provost in the case of faculty, or the Vice President for Student Affairs or Dean of Students in the case of students. In the absence of the pertinent officer, the President may authorize the search.

The College may request the involvement of law enforcement officials in cases of suspected possession of weapons and / or when a threat of violence appears imminent. Persons may be asked to leave campus or remain in the presence of Campus Safety personnel or Knox County Sheriff deputies until a search is conducted or until the situation is resolved safely and appropriately. Campus Safety staff may take into temporary custody, for safe-keeping, weapons discovered in a search.

Sex Offender Registration — Campus Sex Crimes Prevention Act

Sexual offenders are required by state and federal law to register information with law enforcement regarding where they live, work and attend school. Members of the general public may request to receive notification of such information. In jurisdictions such as Gambier where the Knox County Sheriff's Office is the primary law enforcement agency, such requests may be made online at www.sheriffalerts.com. Notification is also available online through the Ohio Attorney General's statewide database at www.icrimewatch.net. In other jurisdictions, the information can be requested by contacting the chief of local law enforcement.

Security of and Access to College Facilities

While Kenyon College's campus and facilities are private property, the college promotes a sense of community by allowing the grounds and certain buildings to be accessed by members of the general public while attending athletic competitions, presentations, concerts and other events. The college reserves the right to restrict access to any person if it deems necessary.

Exterior doors to all campus residence halls and other living spaces are designed to remain locked 24-hours a day. Assigned residents are the only persons permitted to enter their building. It is urged that residents do not allow anyone into the building unless they are a personal guest of said resident. Residents are accountable for their guests.

Administrative buildings are secured outside of their scheduled use times. Academic schedules adjust the periods when academic buildings are accessible. Key card access is managed to allow only those approved to enter a building for special use.

Maintenance and custodial personnel have access to all areas of the campus.

All grounds and buildings are patrolled by campus safety officers. Students and employees are asked to report any suspicious activity immediately by phone at 740-427-5000.

SPECIAL CONSIDERATIONS FOR RESIDENCE HALL ACCESS

At the College campus, residence halls operate under a computerized access control and security monitoring system. Identification cards are coded so that only students and necessary staff have access to all residential halls. The system denies entry to all unauthorized persons. Apartment-style housing is secured using keys assigned to the residents of those living areas only.

Campus Safety officers are responsible for checking and securing doors. When a door is malfunctioning, personnel are summoned for immediate repair. Residents should always remember to lock their doors and windows. All residence hall and apartment exterior doors are equipped with locks.

Only residents and their invited guests are permitted in the living areas of the residence halls. It is the resident's responsibility to ensure that guests are aware of the College and residence hall policies. All exterior doors are locked 24 hours a day. It is the responsibility of residents and staff members to challenge or report individuals who cannot be identified as residents or the guests of residents. When Campus Safety receives a report of an unescorted person in a residence hall, a safety officer is dispatched to identify that person.

Campus Safety assigns the largest number of its officers between the hours of 9 p.m. until 3 a.m. Most of these officers spend much of their time patrolling in and around the residence hall complexes. During low-occupancy periods such as holidays and scheduled breaks, students are consolidated into designated buildings and gain access via the College's electronic access control system. During the summer when groups who are not regularly associated with Kenyon College are using the residence halls, exterior doors are locked 24 hours a day, unless requested by the visiting group. Each guest or group is issued an identification card or key that allows them to gain access to their assigned building. Campus Safety personnel also conduct regular checks of residence hall areas.

SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF CAMPUS FACILITIES

Kenyon College is committed to campus safety and security. At the College, locks, landscaping and outdoor lighting are designed for safety and security. Sidewalks are designed to provide routes from parking areas to buildings and from building to building. Sidewalks and building entrances are illuminated to provide lighted routes from parking areas to buildings and from building to building.

Maintenance, in conjunction with representatives from Campus Safety, Residential Life, Student Affairs, Business Services, and Student Council, regularly conducts surveys of College property to evaluate campus lighting.

We encourage community members to promptly report any security concerns, including concerns about locking mechanisms, lighting or landscaping to the Office of Campus Safety.

Crime Prevention and Safety Awareness Programs

In an effort to promote safety awareness, the Office of Campus Safety maintains a strong working relationship with the community. This relationship includes offering a variety of safety and security programs and services and crime prevention programming. If you or your organization would like to request a specific program, please contact Campus Safety at 740-427-5000.

Campus Safety improves crime prevention and safety awareness through high visibility, campus patrols, both on foot and vehicular. Safety patrols are completed on campus multiple times a day, giving Safety Officers an opportunity to interact with students, employees and visitors anytime of the day.

Once a year, Campus Safety, Maintenance and other identified employees tour the campus at dark to review lighting issues throughout the campus.

Active weapons threat training is given to all incoming students during the orientation period. The training provides knowledge to students about responses to an active weapon threat: run, hide, fight. The training is presented in partnership with Campus Safety, KEPT, Knox County Sheriff's Office and the Knox County Emergency Management Agency.

STUDENTS OF CONCERN TEAM

In order to extend our efforts on emergency preparedness and prevention, Kenyon College has established a Students of Concern Team. The objective of the Students of Concern Team is to put in place a structured process to review and ensure support for the health and safety of students. The team also evaluates potentially threatening situations that occur at the College. The multidisciplinary team is composed of administrators and other appropriate employees from around the College community.

CAMPUS WATCH

The campus watch program, based on the concept of neighborhood watch programs, is a concerted effort to inform the Kenyon community of measures that can be taken to provide a safer and more secure environment.

The aim of the program is for each member of the community to act as an extension of the Office of Campus Safety by serving as an observer and reporter. The campus watch program calls upon members of the Kenyon Community to step forward and assist in building a safer campus and community for all.

What you, as a member of the Kenyon College community, should look for:

- Someone screaming or shouting for help
- Someone looking into windows and parked cars
- Unusual noises
- Property being taken out of student rooms or classrooms that are closed
- Cars, vans, or trucks moving slowly with no apparent destination or without lights when the lack of daylight dictates
- Anyone being forced into a vehicle
- A stranger sitting in a car for extended periods of time or talking to a child
- Abandoned vehicles
- Anything "unusual" for the area you are in
- Avoid personal contact with any suspicious activity or with any crime in progress.

If you see any unusual activity, report it immediately and as accurately as possible to the Office of Campus Safety. Members of the Office of Campus Safety are on duty 7 days a week, 24 hours a day. 740-427-5555 from any phone or use one of the blue light emergency phones placed around campus.

HOW TO REPORT AN INCIDENT OR SUSPECTED CRIME

When you call the Office of Campus Safety, give your name. Use the list below to familiarize yourself with the questions that will be asked by the Office of Campus Safety. Knowing what information will be asked of you and what to look for will be the most effective tool in preventing and stopping crimes to persons and property of the Kenyon College community.

- Briefly describe the event
- When the event happened
- Where the event happened
- Who was involved in the event

Describe the suspect.

- sex
- race
- age
- height
- weight
- hair color
- clothing
- any distinctive characteristics such as beard, mustache, scars, tattoos, or accents

Describe the vehicle if one is involved.

- color
- make
- model
- year
- license plate number
- any special features such as stickers, dents or decals

Many times, as the school year progresses, calls to action against immediate threats lose enthusiasm. It is important to keep interest in your surroundings and the goings-on alive. Even if an immediate threat of crime is not foremost on your mind, it pays to be vigilant.

SAFETY ESCORT

The College has an escort service that is available to the Kenyon community. To make escort arrangements, call the Office of Campus Safety at 740-427-5000. A Campus Safety officer will gladly walk you to your destination anywhere on campus.

The office strongly encourages anyone, students and employees, who may walk alone at night to take advantage of this service. Escorts are available 24 hours a day, 7 days a week.

Crimes Involving Student Organizations at Off-Campus Locations

Kenyon College relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Kenyon College students and recognized student organizations, on and off campus. If the Office of Campus Safety learns of criminal activity involving students or student organizations, it will coordinate with the appropriate external law enforcement agency to forward information about the situation to the Office of Student Rights and Responsibilities, as appropriate.

The College requires all recognized student organizations to abide by federal, state and local laws, and College regulations. The College may become involved in the off-campus conduct of recognized student organizations when such conduct is determined to adversely affect the College community and/or the pursuit of its objectives.

Crime Prevention Tips

While the Kenyon College campus is a reasonably safe environment, crimes do occur. In addition to the Clery Act crimes statistics below, other common crimes that occur on campus are outlined below:

THEFT

Theft is a common occurrence on college campuses. Oftentimes this is due to the fact that theft is a crime of opportunity. Confined living arrangements, recreation facilities and many open classrooms and laboratories provide thieves with effort-less opportunities. Occupants of the residence halls often feel a sense of security and home atmosphere and become too trusting of their peers, while others leave classrooms and laboratories unlocked when not occupied for short periods of time. It is important to be vigilant when it comes to suspicious persons. Never leave items and valuables lying around unsecured. Doors should be locked at all times. The following is a list of suggestions to help you not fall victim to theft:

- Keep doors to residence halls, labs, classrooms locked when not occupied.
- Don't provide access to unauthorized persons in the buildings or classrooms.
- Do not keep large amounts of money with you.
- Lock all valuables, money, jewelry, checkbooks in a lock box or locked drawer.
- Keep a list of all valuable possessions including the makes, models and serial numbers.
- Don't leave laptop computers or textbooks unattended in labs, libraries or other public areas even if it is for a short period of time.
- Don't lend credit cards or identification cards, including College-issued ID cards, to anyone.
- Report loitering persons or suspicious persons to Campus Safety immediately; don't take any chances.

IDENTITY THEFT

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal information in some ways that involve fraud or deception, typically for economic gain. This personal data could be a Social Security number, bank account or credit card information. Persons involved in identity theft often use computers or other forms of media to assist them. There are measures you can take to prevent this from happening to you:

- Do not give anyone your personal information unless there is a reason to trust them and the release is for good reason.
- Never give your credit card information, date of birth or other information over the telephone, unless you can confirm the person receiving that information.
- Complete a credit check frequently to assure there is no suspicious activity.
- Examine financial information often to assure all transactions are authorized and accounted for.
- Use computer security software on computers and installation of firewalls.

Timely Warnings

In an effort to provide timely notice to the campus community in the event of a Clery Act crime that may pose a serious or ongoing threat to members of the community, the Office of Campus Safety issues Timely Warnings. Campus Safety will generally issue Timely Warnings for the following crimes: arson, aggravated assault, criminal homicide, robbery, burglary, sex assaults, and hate crimes. Campus Safety will post these warnings through a variety of ways, including but not limited to text messages, e-mails and/or social media. The College also has the ability to send text message alerts to those who register their cell phone numbers. The Rave Alert text messaging system can be a very effective way to send important information to the campus community.

The purpose of these Timely Warnings is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents. The College will issue Timely Warnings whenever the following criteria are met: 1) a crime is committed; 2) the perpetrator has not been apprehended; and 3) there is a substantial risk to the physical safety of other members of the campus community because of this crime.

Additionally, Campus Safety may, in some circumstances, issue Timely Warnings when there is a pattern of crimes against persons or property. At Kenyon College, the Director of Campus Safety will generally make the determination, in consultation with other College offices, if a Timely Warning is required. However, in emergency situations, any Campus Safety supervisor may authorize a Timely Warning. For incidents involving off-campus crimes, the College may issue a Timely Warning if the crime occurred in a location used and frequented by the College population.

CAMPUS SAFETY NOTIFICATIONS

Campus Safety utilizes many ways to communicate important information to enhance personal and community safety. The method of distribution depends on the type of message needing to be disseminated. Safety notifications may go out to a particular group(s) of people or the entire campus. The information shared may be general safety tips or require action on the part of the recipients. Important emergency notifications usually involve the Kenyon Emergency Preparedness Team (KEPT) and are disseminated through the Rave Alert system.

Safety Notice

General safety information emails are sent from safety@kenyon.edu, with a subject line beginning with "Safety Notice." These emails can be sent out at the same time of each year or as needed. The email usually does not call for immediate action on anyone's part but assists in preventing possible issues related to the health and safety of the general population receiving the notice.

Emergency Response and Evacuation Procedures

KENYON EMERGENCY PREPAREDNESS TEAM (KEPT)

The Kenyon Emergency Preparedness Team (KEPT) is responsible for the Emergency Operations Plan (EOP). This plan is designed to be an all-hazards disaster response and emergency management plan that utilizes the standardized National Incident Management System (NIMS) approach to incident management, which was developed by the Department of Homeland Security and implemented by the Federal Emergency Management Agency. Kenyon's approach to emergency preparedness includes planning, mitigation, response and recovery actions.

Our priorities are:

- Life safety, infrastructure integrity, and environmental protection during an emergency
- Coordination with College departments to write, maintain, test, and exercise the EOP
- Cooperation, Integration and Mutual Aid with local, state, and federal planning, response, and public safety agencies.

KENYON COLLEGE EMERGENCY NOTIFICATION SYSTEM

Kenyon College uses an emergency notification system (Rave Alert) to keep its community members well-informed in the event of an emergency. Emergency notifications may be generated for many reasons, including college shutdowns due to inclement weather, security threats which may impact the health, well-being of community members, or disruptions to standard college operations. It is vital to maintain current information so that notifications can be received in a timely manner. Rave Alert can be used to send emergency messages within minutes of the occurrence of an incident. Alerts sent by Rave Alert are sent out to the College community via email accounts, text messages, cell phone or landline calls.

Kenyon College performs a College-wide biannual test of the system.

Students are automatically enrolled in Rave Alert, the College's emergency notification system. We encourage faculty, staff, parents and members of the campus community to enroll in the Rave Alert system by visiting lbis.kenyon.edu/emergency-notification. We encourage College community members to regularly update their information at the same site.

PROCEDURES USED TO NOTIFY THE CAMPUS COMMUNITY

In the event of a situation that poses an immediate threat to members of the campus community, the College has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of emergency notification to all or a segment of the campus community. These methods of communication include the mass notification system Rave Alert, the College's email system, and verbal announcements within a building and over public address systems. The College will post updates during a critical incident on the homepage of the website. If the situation warrants, the College will establish a telephone call-in center to communicate with the College community during an emergency situation.

CONFIRMING SIGNIFICANT EMERGENCY AND INITIATING THE NOTIFICATION SYSTEM

Campus Safety and/or other campus first responders may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Generally, campus first responders become aware of these situations when they are reported to the Campus Safety dispatcher or upon discovery during patrol or other assignments.

Once first responders confirm that there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, first responders will notify supervisors in Campus Safety or other authorized College office to issue an emergency notification.

The College's authorized representatives will immediately initiate all or some portions of the College's emergency notification system. If, in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency, the College may elect to delay issuing emergency notifications. As soon as the condition that may compromise efforts is no longer present, the College will issue the emergency notification to the campus community.

DETERMINING SEGMENTS OF CAMPUS TO RECEIVE EMERGENCY NOTIFICATION

College and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of the Kenyon community should receive the notification. Generally, campus community members in the immediate area of the dangerous situation (such as the building,

adjacent buildings or surrounding area) will receive the emergency notification first. The College may issue subsequent notifications to a wider group of community members. In addition to the emergency notification that may be issued via the College mass notification system, the College will also post applicable messages about the dangerous condition on the College homepage to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of the entire campus, College officials will distribute the notification to the entire campus community.

DETERMINING THE CONTENTS OF THE EMERGENCY NOTIFICATION

Campus Safety, in concert with College and local first responders, will determine the contents of the notification. The College has developed a wide range of template messages addressing several different emergency situations. The individual authorizing the alert will select the template message most appropriate to the on-going situation and modify it to address the specifics of the present incident. In those cases where there are no predetermined template messages in the system, the individual authorizing the alert will develop the most succinct message to convey the appropriate information to the community. The goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety.

PROCEDURES FOR DISSEMINATING EMERGENCY INFORMATION TO THE GREATER COMMUNITY

Emergency operations require the fullest possible communication. Full communication requires systematic, precise and redundant communication channels, including public-address alert systems, diverse emergency information systems, phone-tree information-sharing protocols, plans for administering announcements and updates, and public relations strategies.

Communication to constituents takes different forms. First information about a crisis goes out in brief messages conveyed automatically through emergency messaging systems. This first information includes only basic information and essential warnings and other reference to safety measures. Subsequent updates might proceed through emergency messaging systems as well, but they might also evolve into longer explanatory messages transmitted by other means including emails or even public meetings. These forms of information might also be posted on the College website.

EMERGENCY-LEVEL DEFINITIONS

Campus Watch

Threat to campus is vague and/or an event has occurred, or has the potential to occur. An event may have occurred in relative proximity to campus. No immediate action is required and the campus community will not be notified. All Campus events and services will continue to operate as normal. Campus Safety and/or KEPT will closely monitor the situation.

Campus Alert

Unplanned event and/or incident that is not likely to threaten life or have a significant impact on the health or property of the campus community. A RAVE alert will be sent to the campus community with information and, if necessary, instructions. Specific campus events may be delayed or cancelled, but most campus events and services will continue to operate as normal. College personnel will manage the event/incident and care for community members. The duration of the incident is generally no more than a few hours.

Campus Warning

Event and/or incident that impacts the life, health, and/or property of a specific area of campus community. A RAVE alert will be sent to the campus community with information and instructions. An incident may require a partial and/or short-term evacuation, or relocation of some community members. Specific campus events may be cancelled and campus operations may be temporarily limited to essential operations. College personnel need outside agencies to effectively manage the incident and care for community members. The duration of the incident is a maximum of eight (8) hours.

Campus Emergency

Large-scale event and/or incident that significantly impacts the life, health, and/or property of the entire campus community. A RAVE alert will be sent to the campus community with information and instructions. An incident may require a major evacuation, or relocation of community members. Campus events may be cancelled and services may be limited to essential operations. College personnel need outside agencies to effectively manage the incident and care for community members. The duration of the incident is unpredictable, but long-term effects are likely

EVACUATION PROCEDURES

If a fire alarm is sounding, all individuals are to immediately evacuate the building until cleared to re-enter. Please review the Annual Fire Safety Report within this document for further information about Fire Prevention and Safety.

In other instances of emergency, emergency staff first on the scene will decide whether or not immediate evacuation is necessary. The emergency personnel should immediately specify the area to be evacuated. Emergency personnel should notify the Office of Campus Safety to request help if necessary.

Emergency personnel must conduct a door-to-door search of the building, telling all occupants to evacuate. If anyone refuses to evacuate, the emergency workers should continue with the evacuation and then, time permitting, return to the person, obtain their name, and advise them that disciplinary action will be taken should they continue to refuse to evacuate.

The evacuees should be moved to rally points, where emergency workers should take a census to establish that the evacuation is complete. After the census is complete, evacuees should be moved to temporary quarters.

In all cases in which students are displaced or relocated, KEPT must receive immediate notification.

EVACUATION OF THE PHYSICALLY CHALLENGED

Safety officers and/or emergency personnel will assist physically challenged individuals in an evacuation, making all possible special arrangements necessary to lead them to safety. As a precaution, the College provides ground-floor housing to anyone who uses a wheelchair. Hearing-impaired students have TTY phone-capability in their rooms, and the fire-alarm system is connected to strobe lights.

SHELTER IN PLACE

Some emergencies will require you to remain inside. "Shelter in place" means staying put and, if possible, choosing a small room with as few windows as possible for refuge. To shelter in place:

1. Stop classes, work or business operations.
2. Remain inside the building and ask others to do the same (assign an individual to ensure other occupants know of the need to shelter in place).
3. If possible, relocate to a room on the safest floor, preferably interior, with the fewest windows and vents, as far as possible from the location of the incident.
4. Call emergency contacts to let them know who is sheltering in place, and that they are safe.
5. Close and lock all windows, exterior doors and other openings to the outside.
6. Do not erect barricades or obstacles in the event a fire or other incidents that make it necessary to evacuate.
7. Remain sheltered until directed otherwise by College officials.

DRILLS, EXERCISES AND TRAINING

The College regularly conducts an emergency management exercise to test emergency procedures. These exercises change from year-to-year and may include several departments from across the campus.

To ensure the College's emergency management plans remain current and actionable, the College will conduct an emergency management exercise at a minimum of once yearly. These exercises may include tabletop drills, emergency operations center exercises or full-scale emergency response exercises. The College conducts after-action reviews of all emergency management exercises.

Missing Student Notification Policy

The Clery Act requires institutions that maintain on-campus housing facilities to establish a missing student notification policy and related procedures (20 USC 1092 (j) Section 488 of the Higher Education Opportunity Act of 2008).

When it is determined that a residential student is missing from the College, staff at Kenyon College, in collaboration with local law enforcement, will be guided by this Missing Student Policy and related procedures:

INITIAL RESPONSE

- Suspected cases of missing students should be reported to the Office of Campus Safety.
- If the Office of Campus Safety so determines, the report of suspected missing student(s) should proceed to the Vice President for Student Affairs.
- If the Office of Campus Safety and Student Affairs so determines, an investigation may begin, especially if the situation matches any of those listed below (under "general instructions").

- The Director of Campus Safety in collaboration with the Vice President for Student Affairs will determine whether or not to contact the Knox County Sheriff's Office prior to 24 hours after the student was first considered missing.
- If a student has been missing for more than 24 hours:
 - The College will notify the Knox County Sheriff's Office.
 - The College will notify the person identified as the student's confidential, emergency contact.
 - The College will notify a parent or guardian if the student is under 18 years old.

COMMUNICATION AND NOTIFICATIONS

The Director of Campus Safety and the Vice President for Student Affairs may choose to notify other staff, certain students and family members of suspected missing students at any time.

If a student is determined to have been missing for more than 24 hours, the Director of Campus Safety in collaboration with the Vice President for Student Affairs and Vice President for Communications may choose to send a general notification to the community both to seek assistance and to report the situation.

GENERAL INSTRUCTIONS

- Do not hesitate to report when you suspect someone may be missing.
- An investigation may begin even if a student has not been missing 24 hours if:
 - All possible efforts to establish contact fail; circumstances indicate that a crime may have occurred.
 - Circumstances indicate that the student is in danger of physical harm.
 - Unmet medical needs may threaten the life or health of the student.
 - Physical or mental disability jeopardize the student's life or health.
- Questions to help investigate the situation include:
 - What is the evidence that the student is missing?
 - Is there a witness to any evidence of crime, abduction or violence?
 - Has the student exhibited any unusual behavior?
 - Has the student been ill or despondent?
 - Is the student mentally or physically disabled?
 - Has the student disappeared before?
 - Does the student have any known substance-abuse problems?
 - Has the student received any threats or warnings, or has the student been subject to any unusual treatment?
 - Does anything about the student's lifestyle indicate a potential problem?
 - Have there been any similar incidents?
- Response measures to aid Campus Safety and police investigations may include:
 - Interview the person who reported the disappearance and verify information with others.
 - Secure and evaluate the site of a potential abduction.
 - Interview any witnesses to any abduction or criminal event.
 - Obtain detailed descriptions and photographs of the student and any vehicles or other persons involved in the situation.
 - Obtain the student's academic and work schedules and interview anyone with whom the student has classes or work duties.
 - Obtain records and other potentially relevant information about the missing student from the Health and Counseling Center.
 - Obtain all available potentially relevant information about the people with whom the student has important relationships.
 - Secure the student's residence as a potential source of information and evidence.
 - Canvass the area for potential witness information.
 - Monitor the student's accounts (such as email) and key-card access records as appropriate.
 - Assign a liaison to the student's family.

Kenyon College Policies Governing Alcohol and Other Drugs

GOOD SAMARITAN POLICY

In order to ensure that students receive prompt and appropriate attention for alcohol intoxication or drug impairment and that there are no impediments to seeking such assistance, the College hereby institutes a Good Samaritan policy.

In those instances in which a student calls the Office of Campus Safety or another College office for assistance with an intoxicated or impaired student, neither the individual calling nor the student in need of assistance will be charged with violations of the College's policies on alcohol and other drugs.

If intoxicated/impaired students demonstrate a reckless or habitual lack of care concerning their well-being and the well-being of the campus community, they may be required to meet with a member of the student affairs staff who will determine the actions necessary to protect the welfare of the student and the campus community.

This policy is designed to save lives. The spirit of the Good Samaritan is that we all have an ethical responsibility to help people in need. There is an expectation that students will take active steps to protect the safety and well-being of our community.

STUDENT POLICIES

Alcohol

Kenyon College's alcohol policy reflects its intention to adhere to state and local laws governing the use, distribution and consumption of alcoholic beverages. Kenyon is subject to these laws and administers all policies in accordance with their current interpretation. Thus, Kenyon's specific alcoholic beverage regulations are designed to encourage responsible drinking and behavior by clearly stating what is expected of those who choose to consume or serve alcohol. If alcohol is found in a shared living space where all residents are under the legal drinking age (21), all residents will be held accountable for this policy violation. Violations of these regulations will result in disciplinary action. More information can be found about the College's Drug-Free Schools and Campuses Prevention program here: kenyon.edu/offices-and-services/student-rights-responsibilities/policies-and-regulations/drug-free-schools-and-campuses-prevention-program/

1. Ohio State Law

Students are expected to know and comply with state and local laws regarding the sale, possession and consumption of alcohol.

- A. State statutes prohibit persons under the legal drinking age (21) from buying, possessing, being furnished with and/or consuming alcoholic beverages.
- B. The law provides fines for convicted violators (including minors and those who furnish alcohol to minors), or imprisonment, or both. Statutes also impose penalties on persons with knowledge of persons violating the statutes cited above.
- C. State law prohibits misrepresentation of age or falsification of ID cards or the use of another person's identification for the purpose of obtaining alcoholic beverages.
- D. State law also prohibits anyone, regardless of age, from opening or drinking from a container of beer or intoxicating liquor in a moving vehicle, and anyone under legal age from having alcoholic beverages in a motor vehicle.

2. Restraints Governing Use of Alcohol

Because the consumption of alcohol in a campus setting raises many complex issues, including behavioral, safety and legal problems, it is necessary for the College to define certain limitations on and restrictions regarding the possession, consumption, and purchase of alcoholic beverages. Students found responsible for violating this policy will be held accountable, and they may also be required to participate in counseling, assessment, and/or treatment; this may need to take place off-campus at the student's expense.

- A. Kenyon expects that individuals will respect responsible standards regarding the use of alcoholic beverages for both themselves and others. Being severely intoxicated (regardless of age) is in violation of College policy. This may include but is not limited to being incapable of looking after oneself, endangering the welfare of oneself and/or others, and/or behaving in offensive or disorderly ways.
- B. Use or possession of alcohol or alcohol containers (whether empty, opened, or unopened) in public campus areas (except at registered social events) or in the Village of Gambier, is unacceptable. No open container, carrier, or cup is permitted in residence hall hallways, restrooms, or lounges (except during approved, registered events), or beyond

the immediate vicinity of a campus apartment area. Students are encouraged to familiarize themselves with their assigned living areas per housing agreement, public property, e.g., exterior apartment property, portions of Middle Path, roadways, sidewalks, etc., where citations are more likely to be issued by law enforcement. Possession or consumption of alcoholic beverages is prohibited at intercollegiate, club and intramural athletic events and at any of the athletic fields.

- C. No alcohol may be sold by students at any events that take place on College property.
- D. Alcoholic beverages are prohibited at membership-recruitment functions of any recognized College organization (e.g., fraternities, sororities, clubs, teams) or at events where potential members are invited or required to attend (e.g., pledging or work-week activities).
- E. Funds administered through Student Council may not be used for the purchase of alcoholic beverages except where permitted in the Student Council Constitution.
- F. Beer funnels/beer bongs and any other apparatus that promotes high-risk drinking are not permitted.
- G. To allow and encourage the informal gathering of students, College officials, including campus safety officers and student staff members, will typically not become involved with a gathering unless there is clear evidence (or a reasonable suspicion) that irresponsible, destructive, dangerous and/or illegal activity is taking place, and/or a complaint is received.

Drugs

The following laws govern distribution, possession and use of drugs and drug paraphernalia:

- United States: The Harrison Act of 1914 as amended, the Marijuana Tax Act of 1937 and the Drug Abuse Control Amendments of 1965. See Title 21 of the U.S. Code.
- Ohio: Chapters 2925 and 3719 of the Ohio Revised Code, appropriate sections. The sale or possession of drugs can result in substantial fines or prison terms under Ohio law. Section 2925.14 prohibits the use, possession, sale, manufacture or advertisement of drug paraphernalia and requires its seizure. Chapter 3796 outlines the state of Ohio's medical marijuana control program.
- Kenyon will not tolerate student use or possession of any illegal drugs, synthetic substances analogous to controlled substances, or possession of drug paraphernalia (e.g., bongs, water pipes, roach clips, hookahs, scales, cutters). This includes the illegal possession, use, abuse, distribution or provision of prescription or nonprescription medications. Use of mailing services to purchase, pass, obtain and/or distribute drugs or over the counter drugs is prohibited. Violations of the law will result in disciplinary action; penalties may include suspension or dismissal, depending on the seriousness and extent of the offense. The College also will take disciplinary action against any student who endangers their own or another student's health or academic performance through drug use, abuse, distribution or provision. Students found responsible for violating this policy may also be required to participate in counseling, assessment and/or treatment; this may need to take place off campus at the student's expense.
 - When drugs or drug paraphernalia are found, Campus Safety will be notified and the Knox County Sheriff's Office may be contacted.
 - If drugs, drug paraphernalia, drug distribution or provision are found in a shared living space, all residents will be held accountable.
 - Students found responsible for manufacture and/or distribution, or provision, of drugs will be dismissed and referred to appropriate legal authorities.

HEALTH RISKS

Substance abuse and use causes a number of marked changes in behavior. Even low doses significantly impair the judgement to make responsible decisions and increase the incidence of a variety of aggressive acts. Moderate to high doses can cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses can negatively impact the body's ability to function in a healthy and safe manner including but not limited to respiratory depression and death.

Repeated use of substances can lead to dependence. Sudden cessation is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. If not properly managed by medical professionals, withdrawal can be life-threatening. When combined with poor nutrition, substance abuse and use can also lead to permanent damage to vital organs.

Know the signs of body distress caused by over consumption of substances:

- Passed out or difficult to awaken
- Cold, clammy, pale or bluish skin

- Slowed breathing
- Vomiting (asleep or awake)

Know how to help:

- Contact Campus Safety for assistance or call 911.
- NEVER leave the person unattended.
- Turn a vomiting person on their side to prevent choking and clear vomit from the mouth.
- Keep the person awake.

Additional risks of harm may occur from the use of prescription drugs in ways other than prescribed. Drugs taken by injection can increase the risk of infection (e.g. HIV, hepatitis and so on) through needle contamination. For more information visit: www.drugabuse.gov and www.samhsa.gov.

DRUG AND ALCOHOL COUNSELING/TREATMENT PROGRAM AVAILABILITY

Substance use disorder counseling support is available to students through the Cox Health and Counseling Center. The services are provided by the center's full-time masters degree level counselors or psychologist. Individual therapy is available for alcohol and/or other substance abuse. In the Knox County Community additional substance use disorder support is available through organizations such as Knox Public Health — Health Clinic, The Freedom Center, Knox Substance Abuse Action Team (KSAAT), and the Licking & Knox Mental Health and Recovery Board. Kenyon has established lines of communications with these programs to facilitate the referral of a student or staff person for evaluation and/or care.

For full-time, benefited employees, substance use treatment offered by UMR & United Healthcare is a confidential service for all employees and their families. Personal information will be kept confidential. Licensed clinicians are available 24/7 for phone consultations. Referrals may require insurance coverage. Contact the helpline at 1-855-780-5955 or visit liveandworkwell.com/recovery.

Various Al-Anon and Adult Children of Alcoholics (ACOA) groups are available in Knox County and the surrounding area. A list of programs is available through the Freedom Center and the local Alcoholics Anonymous chapter at 740-393-2439.

The Student Conduct Process

The purpose of the Kenyon College student conduct process is to review alleged violations of Kenyon policies, procedures and regulations by individual students, groups of students or student organizations. The various components of the College conduct system are designed to respond to such violations, to determine the facts based on a standard of the preponderance of the evidence, to ascertain responsibility or non-responsibility regarding the alleged charges, and to determine appropriate sanctions.

The Vice President for Student Affairs or designee has the authority and responsibility for the administration of the Kenyon conduct process. The members of the Division of Student Affairs and the Student Conduct Review Board seek to provide a conduct process and disciplinary function that educates students about their rights, responsibilities and accountability as members of the Kenyon community. The College's conduct process encourages students and/or the groups to which they belong to recognize their obligations to themselves, to their peers, to Kenyon and to society as a whole. Therefore, the goal of the conduct process is to build an understanding on the part of the students of the positive and negative outcomes of one's behavior and the manner in which that behavior can, and often does affect others. Through established procedures, the College conduct process seeks to ensure the protection of student rights in questions of alleged violations of Kenyon policies, procedures and regulations. Similarly, a student may be held accountable to the standards of other organizations to which they are bound (student athlete code of conduct, student organization standards, etc.).

The College may place students on Interim Suspension prior to the consideration of alleged violation of policies whenever their activities are viewed as threatening or potentially injurious to the well-being or property of members of the Kenyon community or to the property or orderly functioning of the College. An individual or group may be required to curtail or modify behavior and/or activities prior to the formal consideration of alleged violation of policies whenever these behaviors and/or activities are viewed as threatening or potentially injurious to the well-being or property of members of the Kenyon community or to the property or orderly functioning of the College. An individual who chooses to voluntarily withdraw may still be subject to the conduct process. The College may delay granting a diploma otherwise earned until the completion of the student conduct process, including completion of any sanctions imposed.

College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Student Handbook (that is, if both possible violations result from the same factual situation) with-

out regard to pending civil or criminal litigation in court, or criminal arrest and prosecution. Proceedings under this process may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President for Student Affairs or designee. Decisions made or sanctions imposed under the College's Student Code of Conduct will not be subject to change as a result of pending or resolved civil or criminal charges arising out of the same facts.

Annual Disclosure of Crime Statistics

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. Campus Safety maintains a close relationship with all police departments where Kenyon College owns or controls property to ensure that crimes reported directly to these police departments that involve the College are brought to the attention of Campus Safety.

Campus Safety collects the crime statistics disclosed in the following chart(s) through a number of methods. Campus Safety dispatchers and officers enter all reports of crime incidents made directly to the department through an integrated computer aided-dispatch systems/records management system. After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. Campus Safety periodically examines the data to ensure that all reported crimes are recorded in accordance with crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only). In addition to the crime data that Campus Safety maintains, the statistics below also include crimes that are reported to various campus security authorities, as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the subcategories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

DEFINITIONS OF CLERY ACT LOCATIONS

On-Campus: All property, including on-campus housing facilities, owned or controlled by an institution within the same reasonably contiguous geographical area used by the institution in direct support of, or in a manner related to, institutional educational purposes, including residence halls; and any building or property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, and is used by students and supports institutional purposes (such as a food or other retail vendor).

On-Campus Student Housing: Property owned or controlled by the institution used to provide housing for the institution's students.

Non-Campus: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is being used in direct support of, or in relation to, the institution's educational purposes, is frequented by students and is not within the same reasonably contiguous geographic area of the institution.

Note: With the exception of Ganter-Price Hall, Greek houses are considered non-campus; however, for reporting purposes the statistics are provided by the Campus Safety and local law enforcement.

Public Property: All public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The Clery Act does not require disclosure of crime statistics for public property that surrounds non-campus buildings or property.

DEFINITIONS OF REPORTABLE CRIMES

Criminal Homicide: Criminal Homicide offenses are separated into two categories: Murder/Non-negligent Manslaughter and Manslaughter by Negligence.

Murder/Non-negligent Manslaughter: defined as the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: defined as the killing of another person through gross negligence.

Sexual Assault (Sex Offenses): defined as any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. It includes rape, fondling, incest, statutory rape.

Robbery: defined as the taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary: is the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft: is the theft or attempted theft of a motor vehicle.

Arson: is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

CATEGORIES OF A HATE CRIME

Hate Crime: is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Race: A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

Gender: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

National origin: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Religion: A pre-formed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

Sexual Orientation: A pre-formed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/ challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

In addition to the above listed Reportable Crimes, if a Hate Crime occurs the following are also counted under the statistics if classified as such.

Larceny-Theft: is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

Constructive Possession: is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing

Simple Assault: an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation: to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism or Property (except Arson): to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Unfounded Crimes: An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution and the failure to make an arrest do not “unfound” a crime report. Kenyon College Campus Safety officers are not sworn or commissioned.

CLASSIFYING CRIME STATISTICS

The statistics on the following pages are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and the Clery Act.

The number of victims involved in a particular incident is indicated for the following crime classifications: murder/non-negligent manslaughter, manslaughter by negligence, sex offenses (rape, fondling, incest, statutory rape) and aggravated assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics.

The number of incidents involving a particular offense is indicated for the following crime categories (includes one offense per distinct operation): robbery, burglary and arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart.

In cases of motor vehicle theft, each vehicle stolen is counted.

In cases involving Weapons, Drug Abuse or Liquor Law Violations, each person who was arrested is indicated in the arrest statistics. The statistics captured under the “Judicial Referrals” section for Weapons, Drug Abuse and Liquor Law Violations indicate the number of people who were referred to the Student Conduct Review Board for violating those specific laws.

Statistics for hate crimes are counted in each specific Clery-reportable crime category and therefore are part of the overall statistics reported for each year. The only exception to this is the addition of a bias-motivated larceny, simple assault, intimidation and destruction/ damage/vandalism of property; the law requires that this statistic be reported as a hate crime even though there is no requirement to report the crime in any other area of the compliance document.

2019 Federal Clery Report

*On Campus: Student Housing and On Campus: Other numbers are included in the Total On-Campus category.

Offense	Year	On Campus: Student Housing	On Campus: Other	Total On Campus	Non-campus	Public Property
Arson	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Manslaughter by Negligence	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Aggravated Assault	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Burglary	2019	2	0	2	0	0
	2018	2	0	2	0	0
	2017	2	1	3	0	0
Motor Vehicle Theft	2019	0	1	1	0	0
	2018	0	2	2	0	0
	2017	1	0	1	0	0
Weapons Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Drug Arrest	2019	4	0	4	0	0
	2018	0	3	3	0	0
	2017	0	0	0	0	0
Alcohol Arrest	2019	8	1	9	0	6
	2018	2	10	12	0	2
	2017	0	4	4	0	1
Weapons Referral	2019	0	0	0	0	0
	2018	0	1	1	0	0
	2017	0	0	0	0	0
Drug Referral	2019	61	9	70	0	0
	2018	67	1	68	0	0
	2017	69	5	74	0	0
Alcohol Referral	2019	62	5	67	0	0
	2018	112	7	119	0	1
	2017	84	19	103	0	3
Stalking	2019	0	1	1	0	0
	2018	0	2	2	0	0
	2017	1	0	1	0	0

Offense	Year	On Campus: Student Housing	On Campus: Other	Total On Campus	Non-campus	Public Property
Dating Violence	2019	2	1	3	0	0
	2018	4	0	4	0	0
	2017	3	0	3	0	0
Domestic Violence	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Rape	2019	7	0	7	0	0
	2018	11	0	11	0	0
	2017	18	0	18	0	0
Fondling	2019	5	2	7	0	0
	2018	5	2	7	0	0
	2017	3	1	4	0	0
Incest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0

Hate Crime Reports

Year	Hate Crime Violation	Hate Crime Basis	On Campus: Student Housing	On Campus: Other	Total On Campus	Non-campus	Public Property
2019	Destruction, Damage, or Vandalism of Property	Religion	0	1	1	0	0
2018	Destruction, Damage, or Vandalism of Property	National Origin	1	0	1	0	0
2017	No hate crimes reported	N/A	0	0	0	0	0

Sexual Misconduct and Harassment

How to get help

Any member of the College community who has experienced sexual or physical assault is encouraged to immediately seek medical assistance, crisis counseling, contact law enforcement to make a report, and make a report to the College.

EMERGENCY RESPONSE

Kenyon Campus Safety

740-427-5555 (24 hours) 740-427-5000
(24 hours)

Knox County Sheriff's Office

911 or 740-397-3333

Emergency Law Enforcement Response

911 (from anywhere)

MEDICAL TREATMENT

Knox Community Hospital

1330 Coshocton Avenue
Mount Vernon, OH 43050
740-393-9000

Provides medical treatment and sexual assault forensic exams

New Directions: The Domestic Abuse and Rape Crisis Center of Knox County Hotline

740-397-4357

Will accompany individuals to a sexual assault forensic exam

Kenyon College Cox Health Center

740-427-5525

Monday-Friday, 8:30 a.m.-4:30 p.m.
Closed during lunch, noon-1 p.m.

Provides medical treatment to students. For information about medical attention during non-business hours, call Campus Safety at 740-427-5000

COUNSELING

Kenyon College Cox Counseling Center

740-427-5643

Monday-Friday, 8:30 a.m.-4:30 p.m. Closed during lunch, noon-1 p.m.

Provides counseling services to students. After hours counseling can be obtained by calling Campus Safety, 740-427-5000, and without disclosing your name, asking to be connected with a counselor.

New Directions: The Domestic Abuse and Rape Crisis Center of Knox County

Hotline 740-397-4357

Provides accompaniment, support and advocacy services

CONFIDENTIAL RESOURCES

The resources designated below can provide counseling, information, and support under confidentiality protections. The ombudsperson is not a confidential resource for sexual misconduct.

On Campus

Cox Health and Counseling Center

104 W. Scott Lane

Offers students individual counseling, group counseling and outreach activities, crisis intervention, consultation and health services. After hours counseling can be obtained by calling Campus Safety, 740-427-5000, and without disclosing your name, asking to be connected with the counselor on call.

Health Center

First Floor

740-427-5525

Monday-Friday, 8:30 a.m. to 4:30 p.m.

Counseling Center

Second Floor

740-427-5643

Monday-Friday, 8:30 a.m. to 4:30 p.m.

Marc Bragin

College chaplain

740-427-5228

Rachel Kessler

Priest-in-charge of Harcourt Parish and chaplain

740-427-5353

Off Campus

New Directions: The Domestic Abuse and Rape Crisis Shelter of Knox County

Rape crisis center
24-hour hotline: 740-397-4357

Knox County Victims' Assistance

740-397-3404

National Domestic Violence Hotline (NDV)

800-799-7233 (SAFE)
www.thehotline.org

Rape, Abuse and Incest National Network (RAINN)

800-656-4673
www.rainn.org

Buckeye Region Anti-Violence Organization (BRAVO)

614-294-7867
www.bravo-ohio.org

Reporting Options at Kenyon (Private, but not Confidential)

Office for Civil Rights

Samantha Hughes
Civil Rights/Title IX Coordinator
740-427-5820
hughess@kenyon.edu

Kenyon Campus Safety

101 West Scott Lane
740-427-5555 (24 hours) or 740-427-5000 (24 hours)

Equitas Health

614-299-2437
www.equitashealth.com

National Teen Dating Abuse Hotline

1-866-331-9474
www.loveisrespect.org

Ohio Sexual Violence Helpline

1-844-644-6435
www.oaesv.org

Ohio Hispanic Coalition Domestic Violence

614-746-3534, 24 Hour Hotline
www.ohiohispaniccoalition.org

College Whistleblower Hotline

866-943-5787

Kevin Peterson
Civil Rights/Title IX Deputy Coordinator
740-427-5245
peterson2@kenyon.edu

Sexual Misconduct and Harassment Statement

The College is committed to fostering a climate free from sexual and gender-based discrimination, harassment and violence, dating violence, domestic violence, and stalking through clear and effective policies, a coordinated education and prevention program, and prompt and equitable procedures for resolution of reports of conduct prohibited under this policy. The College encourages all members of its community to participate in the process of creating a safe, welcoming and respectful environment on campus.

The College is committed to taking all appropriate steps to eliminate prohibited conduct, prevent its recurrence and address its effects. Individuals found responsible under this policy may face disciplinary sanctions up to and including dismissal from the College and/or termination of employment.

The College will not tolerate retaliation against an individual who makes a report or participates in any proceedings under this policy. Kenyon College policy prohibits any form of retaliation and community members engaging in retaliation will be subject to disciplinary action, whether such acts are implicit or explicit, or committed directly or indirectly.

This policy provides the Kenyon community with (1) resources and recourse for individuals who experience prohibited conduct, (2) guidance to a reporting party, complainant, respondent or other affected community members, (3) Kenyon's expectations for healthy respectful interpersonal interaction and communication, and (4) a procedural outline for addressing behaviors that are counter to Kenyon's mission and prohibited by this policy.

This policy provides for several paths by which an individual who experiences Prohibited Conduct may proceed, including seeking assistance from confidential resources, filing a report with the College and/or law enforcement, seeking supportive measures, and filing a formal complaint. The filing of a formal complaint may lead to an informal resolution, or to a formal investigation and resolution.

All College proceedings under this policy are conducted in compliance with the requirements of Title IX, the Clery Act, as amended by VAWA, the Family Educational Rights and Privacy Act (FERPA), and state and federal law, as may be applicable. No information shall be released from such proceedings except as required or permitted by law and College policy.

The College emphasizes that every person, regardless of demographic or personal characteristics or identity, is entitled to the same protections against sexual harassment and misconduct and that every individual will be treated with equal dignity and respect. To that end, the College's objective is to provide a thorough and fair process.

Title IX Compliance

The College emphasizes that every person, regardless of demographic or personal characteristics or identity, is entitled to the same protections against sexual harassment and misconduct and that every individual will be treated with equal dignity and respect. To that end, the College's objective is to provide a thorough and fair process.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex, including sexual and gender-based harassment and violence, sexual assault, dating violence, domestic violence and stalking in any federally funded education program or activity. The College will not tolerate such conduct. The College's Title IX Coordinator manages the resolution of all conduct prohibited by this policy. To make a report or discuss any aspect of this policy, please contact Title IX Coordinator Samantha Hughes at 740-427-5820 or hughess@kenyon.edu.

Clery Act Compliance

The Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA), imposes certain requirements on the College's response to Sexual Assault, Dating Violence, Domestic Violence, and Stalking. Post-secondary institutions who receive federal funding are required to report crime statistics in their daily crime log, Annual Security Report, and to the U.S. Department of Education. Key response and procedural protections under the Clery Act include issuing a timely warning when there is a serious or ongoing threat, instituting protective measures (referred to as supportive measures below), using trained and impartial investigators and decision-makers, reaffirming the right of individuals to decide whether to report or seek assistance from law enforcement and/or campus authorities, allowing individuals to be accompanied by an advisor of their choice during the process, allowing timely and equal access to any information used in a disciplinary proceeding, and providing written notice of the outcome and rationale.

Kenyon's Non-Discrimination Statement

Kenyon College does not discriminate in its educational programs and activities on the basis of race, color, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, disability, age, religion, medical condition, veteran status, marital status, genetic information or any other characteristic protected by institutional policy or state, local or federal law. The requirement of non-discrimination in educational programs and activities extends to employment and admission.

Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, and its implementing regulations (34 C.F.R. Part 106, as amended by 85 FR 30026 (May 19, 2020)), a federal law that provides that: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, including admissions and employment. Prohibited Conduct under college policy is also prohibited under the Clery Act as amended by VAWA, Title VII of the Civil Rights Act of 1964, Ohio Revised Code Chapter 4112, and other applicable statutes, regulations and administrative code provisions.

The following person has been designated to handle inquiries regarding the non-discrimination policies, including Title IX, Section 504, and Title VI is:

Samantha Jones Hughes
Civil Rights/Title IX Coordinator
Eaton North 258
740-427-5820 or 740-427-5825
hughess@kenyon.edu

Inquiries may also be directed to the United States Department of Education's Office for Civil Rights, 1350 Euclid Ave., Suite 325, Cleveland, Ohio 44115.

ROLE OF TITLE IX COORDINATOR

The College has designated and authorized Samantha Hughes as the Title IX Coordinator. The Title IX Coordinator will be informed of all reports of Prohibited Conduct shared with designated College employees, and will manage the College's centralized review, investigation, and resolution of those reports to ensure the College's compliance with Title IX and the effective implementation of the Sexual Misconduct Policy. All references to actions by the Title IX Coordinator may be performed by the Title IX Coordinator or a designee.

The Title IX Coordinator is:

- Knowledgeable and trained in College policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a reporting party, complainant, or respondent about the courses of action, formal or informal, available at the College and in the community;
- Responsible for offering and implementing reasonably available supportive measures;
- Available to provide assistance to any College employee regarding how to respond appropriately to a report of Prohibited Conduct;
- Responsible for monitoring full compliance with all procedural requirements, record keeping and timeframes outlined in the Sexual Misconduct policy;
- Responsible for overseeing training, prevention and education efforts and annual reviews of climate and culture; and
- Responsible for facilitating periodic review of the policy as needed to maintain compliance with state and federal law.

In addition to addressing complaints against a particular party, the Title IX Coordinator also facilitates the handling of reports raised that College policies or practices may discriminate on the basis of sex, gender, gender identity, gender expression, or sexual orientation. The Title IX Coordinator conducts an assessment of such concerns and, using procedures the Title IX Coordinator determines to be appropriate given the circumstances, works with the College to ensure that its policies and practices are compliant.

Education and Prevention Programs

Kenyon College recognizes that the most effective way to achieve a community free of Prohibited Conduct is to equip all community members with the skills to recognize and prevent these prohibited forms of conduct.

Throughout the year the College offers educational programs to promote awareness of Prohibited Conduct. Prevention programs include an overview of the College's policies and procedures, relevant definitions, including Prohibited Conduct, consent, discussion of the impact of alcohol and illegal drug use, safe and positive options for bystander intervention, and information about risk reduction. Incoming first-year students and new employees will receive primary prevention and awareness programming as part of their orientation.

The College also has a group of faculty and staff who are certified as trainers for the Green Dot Bystander Intervention Program. These trainers host sessions throughout the year where students are taught how to be effective bystanders, both proactively and reactively, in situations of power based personal violence.

Kenyon College offers regular primary prevention programs and ongoing education and awareness programs for all students and employees. Employees who play a key role in implementing the policy, including those faculty and staff who are likely to receive reports of Prohibited Conduct will receive regular in-depth training to assist with a timely, sensitive, respectful, and effective institutional response. The College is committed to ensuring that all employees understand how to respond to these reports of this nature.

SEXUAL MISCONDUCT GLOSSARY AND DEFINITIONS

Complainant. An individual who is alleged to have experienced conduct that could constitute Prohibited Conduct under the Sexual Misconduct Policy.

Education Program or Activity. Includes all of the College's operations, including locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the conduct occurs; and any building owned or controlled by a student organization that is officially recognized by the College.

Formal Complaint. A document filed by and signed by a complainant or signed by the Title IX Coordinator alleging sexual harassment and/or other forms of sexual misconduct against a respondent AND requesting that the College investigate the allegation/s. Formal complaints must be filed in order to pursue either an Informal Resolution Process or a Formal Resolution.

Formal Resolution. A grievance process initiated when a formal complaint is signed and filed alleging sexual harassment and/or other forms of sexual misconduct against a respondent, and also requests that the complaint be investigated. The Formal Resolution includes an investigation, a decision, and appeal. The decision-making process includes a live hearing when the complaint involves allegations of "Sexual Harassment – Title IX."

Informal Resolution Process. Alternate complaint resolution process available when a formal complaint is signed and filed alleging sexual harassment and/or other forms of sexual misconduct against a respondent, and both parties agree to have the complaint resolved informally.

Mandated Reporter. Previously referred to as responsible employees. All College employees, student employees, and affiliated individuals are required to disclose to the Title IX Coordinator any report of sexual harassment or misconduct of which they are aware to ensure the College is able to provide a prompt, thorough, and supportive response. Confidential resources are exempt from this requirement as detailed in Section VI of the Sexual Misconduct Policy. . Mandatory reports do not require that complainants take any specific course of action, or any action at all, with regard to any process under the Policy.

Preponderance of the Evidence. A preponderance of the evidence means that the information or evidence provided is more likely than not to be true. When evaluating the information and evidence, the decision-maker(s) will first evaluate the quality. The decision-maker(s) will consider all of the information and evidence regardless of its origin. Any information or evidence the decision-maker(s) find to be of high quality should be given more weight than any information or evidence the decision-maker(s) find to be of low quality. Quality may or may not be identical with quantity, and sheer quantity alone should not be the basis for a finding of responsibility. The testimony of a single party or witness or a single piece of information or evidence may be sufficient to establish a fact.

Decisions that require the use of an evidentiary standard (determinations of responsibility, process appeals, challenges to Title IX dismissal, and findings of fact) will be made after the decision maker(s) assess the quality of the information or

evidence and unanimously determine that the decision is justified. That is, the decision-maker(s) should find that there is sufficient evidence that is relevant, probable, and persuasive to convince them that a particular assertion is more likely than not and that the evidence supporting such an assertion outweighs any evidence to the contrary.

Prohibited Conduct. Includes, but is not limited to, Sexual Harassment – Title IX, Sexual Assault – Non-Title IX, Dating Violence – Non-Title IX, Domestic Violence – Non-Title IX, Stalking – Non-Title IX, Sexual Harassment – Non-Title IX, Threats Toward an Intimate Partner, Sex/Gender Discrimination, Harassment on the Basis of Sex/Gender, Sexual Exploitation, and Retaliation. Definitions of Prohibited Conduct can be found on pages 34-35 of this report.

Remedies. Measures determined to be necessary by the Hearing Chair/Panel (Title IX) or Adjudicator (non-Title IX) to restore or preserve the complainant's equal access to the College's education program or activity. Remedies will be determined and monitored by the Title IX Coordinator throughout the Complainant's enrollment, employment, and/or engagement with the College.

Reporting Party. Any person who files a report of Prohibited Conduct.

Respondent. An individual who has been reported to have committed Prohibited Conduct. A respondent can be an individual or a student group or organization that is alleged to have engaged in conduct that violates the Policy.

Supportive Measures. Non-disciplinary, non-punitive individualized services offered to both the complainant and respondent as appropriate, reasonably available, and without fee or charge.

Title IX Dismissal. If the conduct alleged in a formal complaint does not constitute sexual harassment as defined under Title IX, did not occur in a College education program or activity, or did not occur against a person in the United States, the College must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. When a complaint is dismissed under Title IX, it may be resolved through the Investigator Resolution Process.

Rights and Responsibilities

The College encourages prompt reporting of Prohibited Conduct. To make a report about possible sexual harassment or sexual misconduct, a party or any third party should notify the Title IX Coordinator or designated College officials. A report may be made at any time, including during non-business hours, in person, by telephone, by mail, by email, or by completing the online reporting form using the contact information listed for the Title IX Coordinator.

A complainant does not need to provide a definitive label of their experience at the time a report is made, nor do they have to decide on a particular course of action in advance. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College will offer reasonably available supportive measures consistent with Section X. The College also provides support that can assist a complainant in making these important decisions, and to the extent possible, will respect a complainant's autonomy in deciding how to proceed. The College will seek to balance a complainant's interest with its responsibility to provide a safe and non-discriminatory environment for all members of the College community.

The College encourages all individuals to seek assistance from medical provider(s) and/or law enforcement immediately after an incident of Prohibited Conduct, whether or not the complainant plans to pursue criminal charges. This is the best option to ensure preservation of evidence and to begin a timely response by law enforcement.

If an individual believes that the Title IX Coordinator has engaged in Prohibited Conduct or has otherwise behaved inappropriately, the individual should contact the President's Chief of Staff to discuss the complaint process.

CONFIDENTIALITY

There is a distinction between seeking assistance from a confidential resource and making a report to the College through designated reporting options. Confidential resources, including counselors, medical health providers, clergy, and certified rape crisis counselors, have legally protected confidentiality and will not share information about a complainant (including whether or not that individual has received services) except under limited circumstances as permitted or required as described below. In contrast, all other College employees are required to share information with the College's Title IX Coordinator. A list of Confidential Resources can be found on pages 26-27 of the Annual Security Report.

Limits to confidentiality include:

1. **Mandatory Reporting of Child Abuse**
All Kenyon employees, including confidential resources, are required to immediately report any knowledge or reasonable suspicion that a minor (someone under 18 years old) is experiencing abuse or neglect based on information shared by the minor, any other individual, or one's own observations or knowledge.
2. **Ohio Felony Reporting Requirement**
Under Ohio law, all individuals, excluding confidential resources, must report possible felonies, including sexual violence. Under Ohio Revised Code Section 2921.22, medical professionals, mental health professionals and clergy are not required to report felonies.
3. **Ohio Medical Professional Reporting Requirements**
In Ohio, medical professionals have distinct legally mandated reporting responsibilities. Where a medical professional knows or has reasonable cause to believe that serious physical harm resulted from an offense of violence, the medical professional is required to make a report to law enforcement. Medical professionals must deem a patient medically stable before reporting and must communicate to the patient that the patient does not have to report and/or speak to the police. If the patient chooses not to speak to police at the time of the medical examination, the medical professional does not need to report the patient's name — only the date, general time, and general location of the incident.
4. **Risk of Harm to Self or Others**
Mental health professionals are required to disclose information where there is an imminent threat of harm to self (the client) or others.
5. **Clergy Act Reporting**
Pursuant to the Clergy Act, anonymous statistical information for certain offenses that have been reported at campus locations must be shared with Campus Safety. The information does not include the names or any other identifying information about the persons involved in such incidents.

ANONYMOUS REPORTING

Any individual may make an anonymous report concerning an act of Prohibited Conduct. A report can be made without disclosing one's own name, identifying the respondent, or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may limit the College's ability to respond or take further action.

Anonymous reports can be submitted through the College's website at <https://forms.kenyon.edu/node/82>. Follow-up communications with the person submitting the anonymous report are not possible unless contact information is provided. As with all other reports, anonymous reports will be shared with the Title IX Coordinator. Where there is sufficient information, the College will ensure that anonymous reports are reviewed and included for compliance with the Clery Act.

Employees who have a duty to report information to the Title IX Coordinator under the Sexual Misconduct and Harassment policy may not make such reports anonymously.

REPORTING TO LAW ENFORCEMENT

The Title IX Coordinator or a Campus Safety Officer will assist a complainant, at the complainant's request, in contacting local law enforcement. If a complainant decides to pursue the criminal process the College will cooperate with law enforcement agencies. A complainant has the right to choose whether to notify, or decline to notify law enforcement, except when the allegation is a felony charge under the law. Felonies reported to the College (except to confidential resources) must be reported to law enforcement by the College, as required by Ohio law (Ohio Revised Code 2921.22). Under most circumstances, the complainant may decline to participate in a law enforcement investigation. Where the College makes a report to law enforcement under this section, the College will not share the names of the involved parties without permission from the complainant unless the information is subject to subpoena or other binding legal process by law enforcement.

The College's policy, definitions, and burden of proof may differ from Ohio criminal law. A complainant may seek resolution through the College's resolution process, may pursue criminal action, may choose one but not the other, or may choose both options. Neither law enforcement's determination whether or not to prosecute a respondent nor the outcome of any criminal prosecution are determinative of whether Prohibited Conduct has occurred under College policy. Proceedings under the policy may be carried out prior to, concurrent with, or after civil or criminal proceedings off campus as determined by the Title IX Coordinator.

CAMPUS REPORTING OPTIONS

To enable the College to respond to all reports in a prompt and equitable manner, the College encourages all individuals to report any incident directly to the Title IX Coordinator. However, the College recognizes that a student or employee may choose to report to any employee of the College.

All Kenyon employees (except those who are designated as confidential resources) are considered mandatory reporters and are required to share all known information related to a report, including the identities of the parties, with the Title IX Coordinator. In addition, student employees who have responsibility for the welfare of other students, including Community Advisors, and Peer Counselors are required to report all known information. Other student employees who receive information within the context of their jobs are required to report to the Title IX Coordinator.

Civil Rights/Title IX Coordinator

Samantha Hughes 740-427-5820 (24 hours)
hughess@kenyon.edu

Title IX Deputy Coordinator

Kevin Peterson 740-427-5245 (24 hours)
peterson2@kenyon.edu

Office of Campus Safety

Michael D. Sweazey, director
Campus emergency: 740-427-5555 (24 hours)
Security non-emergency: 740-427-5000 (24 hours)
Reports can be made directly to Campus Safety (24-hour availability) during non-business hours

College Whistleblower Hotline

1-866-943-5787

REPORTING CONSIDERATIONS

Timeliness of Report

In order to maximize the College's ability to respond promptly and effectively, all those impacted by Prohibited Conduct are encouraged to report as soon as possible. There is no time limit on reporting violations of this policy, though prompt reporting by mandated reporters is required. If the respondent is no longer a student or employee at the time of the report, the College may not be able to take disciplinary action against them. The College will still provide support and reasonably available supportive measures to a complainant, as well as assistance in identifying appropriate external reporting options.

Amnesty for Personal Use of Alcohol or Other Drugs

The College seeks to remove barriers to reporting, including potential concern about policy violations related to underage drinking or the use of prohibited drugs. The College will offer any student who reports or experiences Prohibited Conduct limited immunity from being charged for policy violations related to the personal ingestion of alcohol or other drugs, provided that any such violations did not and do not place the health and safety of any person at risk. The College may choose, however, to pursue educational or therapeutic remedies for those individuals.

Report Resolution

A report to the Title IX Coordinator is not the same as a formal complaint. In order for a report to be officially resolved, a formal complaint must be filed in writing alleging sexual harassment or other sexual misconduct against a respondent and requesting that the school officially investigate and resolve the allegation. The complaint may be resolved through either Informal Resolution or through the Formal Resolution, both explained further in this document.

Prohibited Conduct

Federal regulations provide for certain procedures that must be used in the case of conduct that meets the definition of sexual harassment under Title IX. However, where conduct does not meet certain threshold requirements under Title IX, the same or similar conduct is still prohibited by the College. Where the types of prohibited conduct are listed as both, they are labeled as "Title IX" or "Non-Title IX" for clarity.

Sexual Harassment – Title IX

There are six types of prohibited conduct that qualify as "sexual harassment" under Title IX, each of which is defined more specifically below: (1) quid pro quo sexual harassment, (2) unwelcome conduct sexual harassment, (3) sexual assault, (4) dating violence, (5) domestic violence, and (6) stalking. The definitions used here are required by federal regulations.

For reported behavior to qualify as prohibited conduct under this section, in addition to meeting the elements of the specific type of sexual harassment below, it must meet all of the following threshold requirements, as determined by the Title IX Coordinator and as mandated by federal regulations:

- The conduct must have occurred against a person in the United States.
- The conduct must have occurred within the College's education program or activity. For purposes of this provision, this means that the conduct must have occurred either (a) in a location, event, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs or (b) in relation to a building owned or controlled by a student organization that is officially recognized by the College.
- The complainant must be participating in or attempting to participate in the education program or activity of the College at the time the formal complaint is filed.

Conduct that does not meet these threshold requirements is subject to a Title IX Dismissal, but may still be resolved through the Investigator Resolution (Non-Title IX). Investigator Resolution is further explained on page 43 of this document.

1. **Quid Pro Quo.** Conduct on the basis of sex where a College employee conditions the provision of a College aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or,
2. **Unwelcome Conduct.** Unwelcome conduct on the basis of sex that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or,
3. **Sexual Assault.** Sexual assault is engaging or attempting to engage in one of the following activities with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental incapacity:

- Sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g. penis, finger, hand, or tongue) or an object, however slight;
 - Intentional touching of the intimate body parts of another for the purpose of sexual gratification. Intimate body parts include the breasts, buttocks, groin, and genitals.
 - Sexual intercourse (anal, oral, or vaginal) between individuals who are not permitted to marry. In Ohio, this means that individuals closer in kin than second cousins may not have sexual intercourse.
 - Sexual intercourse (anal, oral, or vaginal) with a person who is under the statutory age of consent. In Ohio, state law prohibits sex with any individual under the age of 13; additionally, individuals over the age of 18 may not have sex with individuals under the age of 16.
4. **Dating violence.** Conduct on the basis of sex that consists of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
5. **Domestic violence.** A felony or misdemeanor crime of violence constituting conduct on the basis of sex committed by:
- a current or former spouse or intimate partner of the victim;
 - a person with whom the victim shares a child in common;
 - a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
 - any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
6. **Stalking.** Conduct on the basis of sex that consists of engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition:
- **Course of conduct** means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
 - **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the complainant; or,
 - **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

SEXUAL ASSAULT – NON-TITLE IX

Conduct that meets the definition of Sexual Assault, above, but does not meet all of the threshold requirements to be charged under Title IX will be charged as "Sexual Assault – Non-Title IX."

DATING VIOLENCE –NON-TITLE IX

Conduct that meets the definition of Dating Violence, above, but does not meet all of the threshold requirements to be charged under Title IX will be charged as "Dating Violence – Non-Title IX."

DOMESTIC VIOLENCE – NON-TITLE IX

Conduct that meets the definition of Domestic Violence, above, but does not meet all of the threshold requirements to be charged under Title IX will be charged as "Domestic Violence – Non-Title IX."

Conduct that otherwise meets the definition of Domestic Violence, above, except that it is not "conduct on the basis of sex" shall also be charged as "Domestic Violence – Non-Title IX."

STALKING – NON-TITLE IX

Conduct that meets the definition of Stalking, above, but does not meet all of the threshold requirements to be charged under Title IX will be charged as "Stalking – Non-Title IX."

Conduct that otherwise meets the definition of Stalking, above, except that it is not "conduct on the basis of sex" shall also be charged as "Stalking – Non-Title IX."

SEXUAL HARASSMENT – NON-TITLE IX

“Sexual Harassment – Non-Title IX” is any unwelcome sexual advance, request for sexual favors, or other unwanted verbal or physical conduct of a sexual nature when one or more of the following conditions are present:

1. Submission to or rejection of such conduct is an explicit or implicit condition of an individual’s employment, evaluation of academic work, or any College program or activity; or
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance, i.e. it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective and subjective standard.

A single incident of Sexual Harassment – Non-Title IX alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a pattern of incidents to create a hostile environment. The determination of whether an environment is “hostile” will be based on the totality of the circumstances, including, but not limited to:

- The frequency of the speech or conduct;
- The nature and severity of the speech or conduct;
- Whether the speech or conduct was physically threatening;
- The effect of the speech or conduct on the individual’s mental and/or emotional state;
- Whether the speech or conduct was directed at more than one person;
- Whether the speech or conduct arose in the context of other discriminatory conduct;
- Whether the speech or conduct unreasonably interfered with the individual’s educational opportunities or performance (including off campus study), Kenyon-controlled living environment, work opportunities or performance;
- Whether a statement is a mere utterance of an epithet that engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
- Whether the speech or conduct is protected by the First Amendment and/or deserves the protections of academic freedom.

Sexual Harassment – Non-Title IX can take many forms:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated;
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents;
- May be committed by anyone, regardless of gender, age, position, or authority;
- May be committed by a stranger, an acquaintance, or someone with whom the individual has an intimate or sexual relationship;
- May be committed by or against an individual or may be a result of the actions of a group;
- May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation;
- May occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting; and
- May affect the individual and/or others who witness or observe the harassment.

There may be situations where respondent’s reported conduct constitutes both “Sexual Harassment – Title IX” and “Sexual Harassment – Non-Title IX.” The respondent will receive notice of both charges and the resolution process will investigate both charges. If the reported conduct is adjudicated and the respondent is found responsible for the charge of “Sexual Harassment – Title IX,” the respondent will not be separately sanctioned for the charge of “Sexual Harassment – Non-Title IX.”

THREATS TOWARD AN INTIMATE PARTNER

Threats toward an intimate partner means any threatened act of violence between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. The College will evaluate the existence of an intimate relationship based upon the reporting party’s statements and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

SEX/GENDER DISCRIMINATION

Discrimination occurs when a behavior or policy has the purpose or effect of restricting or denying an individual's or group's access to opportunities, programs, or resources in relation to sex, gender, gender identity, gender expression, or sexual orientation in a manner that interferes with an individual's working, academic, residential, or social environment or athletic participation or performance.

Examples of discrimination include but are not limited to:

- Treated differently in determining whether such person satisfies any requirement or condition for the provision of any aids, benefits, or services;
- Provided different aid, benefits, or services;
- Provided aid, benefits, or services in a different manner;
- Denied any aids, benefits or services;
- Subjected to separate or different rules of behavior, sanctions or other treatment;
- Treated differently concerning the domicile or residence of a student or applicant;
- Discriminated against by providing significant assistance to any agency, organization or person which discriminates on the basis of sex in providing any aid, benefit, or service to students, faculty or employees;
- Otherwise limited in the enjoyment of any rights, privileges, advantages or opportunities with regard to aids, benefits or services; or
- Treated differently with regard to terms, conditions or benefits of employment, or in the recruitment, consideration or selection thereof.

When these or other forms of discrimination are based on sex, gender, gender identity, gender expression or sexual orientation, the conduct will be resolved under the Sexual Misconduct and Harassment policy.

Discrimination on the basis of sex/gender in employment is permissible in situations where sex/gender is a bona fide occupational qualification reasonably necessary to the normal operation of the College. Note that the federal regulations regarding Title IX include certain exceptions, such as single-gender housing, athletic participation and chorus participation, that do not constitute Sex/Gender Discrimination.

HARASSMENT ON THE BASIS OF SEX/GENDER

Harassment on the basis of sex/gender is any unwanted verbal or physical conduct on the basis of sex, gender, gender identity, gender expression, or sexual orientation when one or more of the following conditions is present:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, participation in a program or activity or grade in a course or coursework;
- Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting an individual; or
- Such conduct is sufficiently pervasive, offensive, or abusive to have the purpose or reasonable effect of interfering with an individual's work or educational performance, or creating an intimidating, hostile or offensive work environment, under both an objective and subjective standard. A single incident may create a hostile environment if the incident is sufficiently severe.

The determination as to whether a hostile environment exists is based on the totality of the circumstances, including but not limited to:

- The nature and severity of the conduct;
- The type, frequency and duration of the conduct;
- The identity of and relationship between the respondent and the complainant;
- The number of individuals involved;
- The age and maturity levels of the respondent and complainant; and
- The location of the conduct and the context in which it occurred.

Examples of harassment on the basis of sex/gender include but are not limited to:

- Threatening to "out" a person's gender identity, sexual orientation, gender expression;
- Repeatedly leaving notes/photos, etc. on a person's door that demonstrates homophobia or transphobia;
- Repeated, and unwanted, comments related to a person's appearance and/or demeanor, e.g., "That tight-fitting top really shows off your curves."

SEXUAL EXPLOITATION

Sexual exploitation is knowingly, intentionally or purposefully taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, or personal benefit. Examples of Sexual Exploitation include:

- Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Voyeurism;
- Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Non-consensual recording of individuals in locations in which they have a reasonable expectation of privacy, such as restrooms or locker rooms, regardless of whether the images captured reveal sexual activity or nudity;
- Prostituting another individual;
- Exposing one's genitals in non-consensual circumstances;
- Removal of a condom, without consent, during sexual intercourse;
- Knowingly exposing another individual to a sexually transmitted infection or virus without that individual's knowledge; and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity, e.g., by using alcohol or other drugs (such as Rohypnol or GHB).

RETALIATION

Retaliation is defined as intimidating, threatening, coercing, or discriminating against any individual:

- For the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations; or
- Because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under college policy or under the complaint procedures relating to Title IX complaints with the U.S. Department of Education's Office for Civil Rights.

Retaliation also includes filing a complaint against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX law or regulations.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Sexual Misconduct proceeding does not constitute retaliation, except that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

When a student is found responsible for retaliation, the recommended sanction is a minimum of one semester suspension from the College.

Consent, Force, Coercion, Incapacitation

CONSENT

Individuals who choose to engage in sexual activity of any type with each other must first obtain clear consent. Consent is clear, knowing, and voluntary permission. It can only be given by someone of legal age. Consent is demonstrated through mutually understandable words or actions that clearly indicate a willingness to engage freely in sexual activity. Consent cannot be obtained through the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise free will to choose whether or not to have sexual contact. Silence cannot be assumed to indicate consent.

Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity in order for the activity to be considered consensual. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.

Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. While consent can be given by words or non-verbal actions, non-verbal consent is more ambiguous than explicitly stating one's wants and limitations. Relying on non-verbal communication can lead to misunderstandings. Consent may not be

inferred from silence, passivity, lack of resistance, or lack of an active response. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.

When consent is requested verbally, absence of any explicit verbal response or a clear non-verbal response constitutes lack of consent. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive. Under College policy, “no” always means “no.” “Yes” only means “yes” when it is voluntarily and knowingly given by an individual who has the capacity to give consent.

If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of other individuals to proceed, all parties should stop and clarify, verbally, the other’s willingness to continue before proceeding with such activity.

Any party may withdraw consent prior to the completion of the act. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even within the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity each time.

Individuals must be able to fully understand what they are doing in order to consent to sexual activity. An individual who is incapacitated is unable to give consent. Below is further explanation of Incapacitation.

In the State of Ohio, the age of majority is 18. Under state law, consent cannot be given by any individual under the age of 16 to participate in sexual activity with an individual over the age of 18. In addition, consent can never be given by minors under the age of 13.

FORCE

Force is the use or threat of physical violence or intimidation to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request. Consent cannot be obtained by force.

COERCION

Coercion is the use of unreasonable pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion contains a wide range of behaviors which override the voluntary nature of participation. Such acts include, but are not limited to, threatening to disclose personal sexual information, or threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity is a violation in the same way as physically forcing someone into engaging in sexual activity. Consent cannot be obtained by coercion.

INCAPACITATION

An individual who is incapacitated lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. In addition, persons with certain intellectual or developmental disabilities may not have the capacity to give consent. Consent cannot be obtained by taking advantage of another individual’s incapacitation.

Where alcohol or other drugs are involved, incapacitation is a state beyond intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady balance, strong odor of alcohol, combativeness, or emotional volatility.

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual’s:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments;
- Capacity to appreciate the nature and the quality of the act; or
- Level of consciousness.

In other words, a person may be considered unable to give valid consent due to incapacitation if the person cannot appreciate the who, what, where, when, why, or how of a sexual interaction.

Evaluating incapacitation also requires an assessment of whether a respondent was or should have been aware of the complainant’s Incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent’s position.

Being intoxicated or impaired by drugs or alcohol is never an excuse for any Prohibited Conduct listed above and does not diminish one’s responsibility to obtain informed and freely given consent.

Complaint Resolution Process

When a formal complaint is filed, the complaint resolution process begins. Complaints may be resolved through either Informal Resolution or a Formal Resolution. The Title IX Coordinator will provide the complainant and the respondent with a written overview of resolution options and available resources.

The College will conduct an initial assessment and determine the most appropriate manner of resolution under the policy. The College recognizes that in some circumstances, due to aspects of a particular case, strict compliance with the policy may create unexpected conflicts of interest or raise other concerns about the implementation of the process. The Title IX Coordinator is empowered to adjust the process, with notice to the parties, as necessary to provide a prompt and equitable process.

Resolution of a formal complaint will typically continue when a complainant separates from the College. If a respondent withdraws, resigns, graduates, retires, or otherwise departs from the College after the filing of a formal complaint and prior to decision, the Title IX Coordinator will determine whether to: (1) offer to the parties to seek/continue informal resolution; (2) discontinue the complaint process without a finding but with a respondent's student file marked "withdrew pending disciplinary action" or their employee file marked "no rehire"; (3) continue the formal complaint process to its conclusion; (4) take other action deemed appropriate by the Title IX Coordinator.

COMPLAINANT AND RESPONDENT SUPPORTIVE MEASURES

Upon receipt of a report of Prohibited Conduct, the College may impose reasonable and appropriate supportive measures designed to restore or preserve a complainant's equal access to College programs or activities without fee or charge, and without treating the respondent as responsible unless and until the completion of a Formal Resolution that determines the respondent to be responsible for a policy violation. Supportive measures are designed to restore or preserve equal access to the College's education programs and activities without unreasonably burdening the other party. They include measures designed to protect the safety of all parties or the College's educational environment, and include measures to deter sexual harassment.

Supportive measures are available to both the complainant and respondent regardless of whether the complainant chooses to file a formal complaint. The Title IX Coordinator will maintain the privacy of any supportive measures provided to the extent possible and will promptly address any reported violation/s of the supportive measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any requests for or questions concerning supportive measures may be directed to the Title IX Coordinator or Deputy Title IX Coordinator.

A. Range of Supportive Measures

Potential supportive measures, implemented on behalf of the complainant and/or the respondent to the extent reasonably available and warranted by the circumstances, include, but are not limited to:

- Access to counseling services and assistance in setting up an initial appointment, both on and off campus;
- Imposition of a mutual "no-contact order" (failing to abide by the no-contact order may result in allegations of additional policy violations);
- Rescheduling of exams and assignments;
- Providing extensions of deadlines;
- Providing alternative course completion options;
- Change in class scheduling, including the ability to transfer course sections or withdraw from a course without penalty;
- Change in work schedule or job assignment;
- Change in student's College-owned, sponsored or controlled housing;
- Assistance in completing housing relocation;
- Limiting an individual's or organization's access to certain College facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Increased security and monitoring of certain areas of the campus;
- Providing medical services;
- Providing academic support services, such as tutoring;
- College-imposed administrative leave or separation;

- College-imposed restricted access;
- Providing assistance with identifying resources available to assist with matters of visa or immigration issues, legal issues and transportation options;
- Other remedies that can reasonably be tailored to the involved individuals to achieve the goals of this policy.

Request for Anonymity or No Action

The Title IX Coordinator will take all reasonable steps to respond, resolve, and remedy a report of Prohibited Conduct consistent with a complainant's preferences where possible. Where a complainant makes a report but requests that a name or other identifiable information not be shared with the respondent or that no formal action be taken, the College will balance this request with its responsibility to provide a safe and non-discriminatory environment for all Kenyon College community members.

In considering a complainant's request to take no action and evaluating whether to proceed, the Title IX Coordinator will assess and consider:

- the preferences and concerns of the complainant;
- the nature and circumstances of the allegation;
- the severity and impact of the reported conduct;
- pattern evidence or other similar conduct by respondent;
- the respective ages of the parties, including whether the complainant is a minor (under the age of 18);
- whether the respondent has admitted to the conduct;
- whether the respondent has been the subject of other complaints or reports of Prohibited Conduct under this policy;
- whether the respondent threatened further sexual violence or other violence against the complainant or others;
- whether the report indicates that multiple respondents were involved;
- whether the report indicates that the conduct was perpetrated with a weapon;
- whether the respondent is an employee; and,
- whether the school possesses independent means to obtain relevant evidence (e.g., witnesses, security cameras or personnel, or physical evidence).

Where the College is unable to take action consistent with the request of the complainant, the Title IX Coordinator will inform the complainant about the chosen course of action, and implement necessary supportive measures.

Initial Assessment

Upon receipt of a report, the Title IX Coordinator will conduct an initial assessment to provide an integrated and coordinated response to reports under this policy. In the course of this initial assessment, the Title IX Coordinator will consider the complainant's expressed preference regarding supportive measures and the manner of resolution, unless the Coordinator determines that such a course of action would be unreasonable in light of the known circumstances.

As part of the initial assessment, the Title IX Coordinator will:

- address immediate physical safety and emotional well-being;
- notify the complainant of the right to contact law enforcement, to decline to contact law enforcement, and to seek medical treatment;
- advise the complainant that even if they decline to contact law enforcement, the College may be required to report the incident to law enforcement under Ohio law (and under most circumstances, the complainant may decline to participate in a law enforcement investigation);
- inform the complainant of the importance of preservation of evidence (i.e., medical, forensic, physical, electronic, etc.);
- enter the incident into the College's daily crime log, if appropriate (without identifying information);
- evaluate whether to issue a timely warning consistent with the Clery Act;
- provide the complainant with information about on and off-campus resources;
- notify the complainant of the range of supportive measures;
- consider the complainant's interests with respect to supportive measures;
- provide the complainant with an explanation of the procedural options under the policy, including Informal Resolution and a Formal Resolution;
- notify the complainant of the ways they may choose to participate, or decline to participate, in the various steps of the process. This will include notification that the Title IX Coordinator may, in certain circumstances, proceed without complainant's participation and that non-participation by the complainant may limit the ability of the College to respond;

- discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding;
- explain the College's policy prohibiting retaliation; and,
- if the determination has been made to notify the respondent of the report, provide the respondent with information about resources, supportive measures, and procedural options.

No formal complaint filed by the complainant: If a complainant chooses not to file a formal complaint, the coordinator will determine whether it is appropriate to take proactive steps to address the behavior with the respondent. In this instance, the coordinator will not typically disclose the specifics of any report without the consent of the complainant. Alternatively, as below, the Title IX Coordinator may elect to file a formal complaint.

Formal complaint filed: If a complainant decides to file a formal complaint, the Title IX Coordinator will communicate with the respondent about the complaint, and discuss the above listed information with the respondent. When a formal complaint is initiated, the respondent and complainant will be informed of the nature of the alleged conduct and/or potential charges being investigated.

Filing a Formal Complaint

A formal complaint is a document filed in writing by a complainant, or signed by the Title IX Coordinator, that alleges Prohibited Conduct against a respondent and requests that the College officially investigate and resolve the allegation. The formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, by in-person delivery, or through the online reporting form and must contain the complainant's physical or digital signature. In the instances when the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a Formal Resolution, and must comply with requirements for any person involved in the response and/or resolution to be free from conflicts and bias.

A formal complaint may be resolved through either an Informal Resolution or a Formal Resolution. Informal Resolution may only be offered after a formal complaint has been filed, so that the parties understand what the Formal Resolution entails and can decide whether to voluntarily attempt informal resolution as an alternative.

A formal complaint may be withdrawn if the complainant informs the Title IX Coordinator in writing that they want to withdraw the complaint or the allegations. The Title IX Coordinator may choose to withdraw a formal complaint if a respondent is no longer participating in or attempting to participate in the education or program activity of the College, the complainant submits a written request to withdraw the complaint, or specific circumstances prevent the College from gathering evidence sufficient to reach a determination. No matter the reason for the withdrawal of a complaint, the parties will be notified in writing of the decision, including the reasoning.

ADVISOR OF CHOICE

Complainants and respondents may be accompanied to any meeting, Informal Resolution session, interview, and/or hearing related to the procedures by an advisor of their choice. The advisor of choice may be, but is not required to be, an attorney. If a formal complaint is filed, advisors are invited and strongly encouraged to speak with the Title IX Coordinator for an orientation to the College's policies and procedures, privacy protections, and expectations around participation and decorum. If a formal complaint is addressed through an Informal Resolution, the parties are encouraged but not required to have an advisor. If a formal complaint is addressed through a Formal Resolution both the complainant and the respondent must have an advisor for the purpose of conducting cross-examination at the live hearing. If either party does not have an advisor for the live hearing phase of a Formal Resolution, an advisor of the College's choosing will be assigned at no cost to the party. The advisor's participation is defined below:

Meetings with the Title IX Coordinator: Advisors may accompany the complainant or the respondent to any meeting with the Title IX Coordinator, and are encouraged to ask questions and speak openly and respectfully in those meetings. If a formal complaint is filed, advisors are invited and strongly encouraged to speak with the Title IX Coordinator (or designee) for an orientation to the College's policies and procedures, privacy protections, and expectations around participation and decorum. If an advisor also expects to serve as a witness, the advisor should disclose this information to the Title IX Coordinator as soon as possible.

Informal Resolution Process: Advisors are not required to be present during any phase of the Informal Resolution process, but parties are strongly encouraged to include them. Advisors will be permitted to ask questions and advise the party with whom they are working.

Investigation: Advisors will receive access to the investigative report that contains the report narrative and all submitted evidence produced in the investigation, unless the party they are advising indicates in writing that the advisor should not be able to access the evidence. Advisors are not required to attend the investigation interview/s but they are permitted to attend. Advisors will be permitted to ask clarifying questions, as long as they are respectful and not disruptive. Advisors may not answer questions or provide information.

Pre-Hearing Conference: Advisors are required to attend a pre-hearing conference with the Hearing Coordinator and the Hearing Officer to review the College's live hearing procedures. Advisors are encouraged to ask questions to understand their role at the hearing and the College's expectations around participation and decorum. If an advisor also expects to serve as a witness, the advisor should disclose this information to the Title IX Coordinator no later than this conference.

Live Hearing: At the live hearing, each party's advisor will be responsible for asking relevant questions to the other party or parties and any witnesses. Advisors are encouraged to focus questions on disputed issues so as to assist the Hearing Officer in determining issues of credibility. This questioning will be conducted orally, directly and in real-time in a manner that, in the Hearing Officer's sole discretion, is not inappropriate, harassing, intimidating, irrelevant, or redundant. The Hearing Officer reserves the right to remove an advisor who questions witnesses in an abusive, intimidating, harassing, or disrespectful manner. In the instance that an advisor is removed, the hearing will be suspended until a later date to permit an alternative advisor to be obtained or assigned.

INFORMAL RESOLUTION

The Informal Resolution process may only be pursued after a formal complaint has been filed. Informal Resolution will only occur with the voluntary, and written consent of both parties and the Title IX Coordinator. Informal Resolution is not permitted to resolve allegations that an employee (staff person or faculty member) engaged in Sexual Harassment - Title IX against a student.

Prior to initiating an informal resolution, the Title IX Coordinator will issue each party a written notice disclosing:

- the allegations;
- the requirements and procedure of the informal resolution process; and
- any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

At any time either party has the right to withdraw from the Informal Resolution process and resolve the formal complaint through a Formal Resolution. If the parties are not able to resolve the complaint through the Informal Resolution process, the complaint would be resolved through a Formal Resolution unless the complaint is withdrawn.

The Title IX Coordinator retains the discretion to determine the type of Informal Resolution that may be appropriate in a specific case and may refer a complaint to a Formal Resolution at any time. Informal Resolutions will typically be completed within 30 calendar days of the decision to engage in Informal Resolution. Informal Resolution agreements are signed by the parties and the Title IX Coordinator and are enforced by the College.

When the respondent is a student, an Informal Resolution will only be recorded in the respondent's student file in the Dean of Students Office and/or on the student's transcript if the agreed-upon Resolution Agreement sanction includes disciplinary probation, suspension, or dismissal. When the respondent is an employee, a notation of the informal resolution will be made in the employee's file maintained by the Office of Human Resources and/or the Provost's Office.

Violations of an Informal Resolution Agreement will be reviewed by the Title IX Coordinator and may be referred to a Formal Resolution or referred to the appropriate College official for further review and possible sanctioning.

FORMAL RESOLUTION

The Formal Resolution may only be pursued after a formal complaint has been filed. The Title IX Coordinator will identify the potential violations and prepare the initial notification of investigation outlining the charges to be investigated and assessed. At the completion of the investigation and any appeal of the Title IX assessment, the complaint will be addressed through either the Investigator Resolution (non-Title IX) or the Hearing Resolution (Title IX). Both parties will have the

opportunity to appeal the decision regarding responsibility and any sanctions imposed. The College may delay granting a diploma otherwise earned until the completion of all phases of a Formal Resolution, including completion of an appeal and/or any sanctions imposed.

INVESTIGATION

The parties and their advisors will receive written notice that an investigation has been initiated. The notice of investigation will include:

- the identities of the parties involved;
- the specific section/s of the policy allegedly violated;
- the precise conduct alleged to constitute the potential violation/s;
- the approximate date, time, and location of the alleged incident;
- a statement indicating that the respondent is presumed not responsible for the alleged conduct;
- a statement that the determination of responsibility will be made at the conclusion of a Formal Resolution;
- a notice that parties have the right to an advisor of their choice;
- the result of an initial assessment to determine whether the allegations suggest a potential violation of “Sexual Harassment – Title IX,” with an indication that this decision will be reviewed again when the investigators prepare their report;
- the name of the investigators and the ability to challenge their participation for conflict of interest or actual bias; the appropriate policy language prohibiting a party from knowingly making false statements or knowingly submitting false information; and
- notice that Retaliation is prohibited.

The notice shall be provided reasonably in advance of any interview with the investigators, with sufficient time for meaningful preparation. The Title IX Coordinator, in consultation with the investigators, may amend the charges as part of the investigative process. The Title IX Coordinator will, if appropriate, issue amended charges to both parties.

The Title IX Coordinator will designate two investigators to conduct an adequate, reliable and impartial investigation, one of which will typically be a College employee. The College may engage an external investigator as one or both of the two assigned investigators. In complex situations, the Title IX Coordinator may engage additional trained investigators to assist in gathering the information that will be considered by the primary investigators. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not the parties. The interviews will be recorded by the investigators.

The parties will have an equal opportunity to present witnesses, including expert witnesses, and to submit evidence. The investigators will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate and available. The parties may submit questions to be asked of parties and witnesses. Investigators will review submitted questions and, in their discretion, may choose which questions are necessary and appropriate to the investigation and conduct any follow-up, as they deem relevant. All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information is a violation of College policy and can subject a student or employee to disciplinary action. Making a good faith report to the College that is not later substantiated does not constitute false or misleading information.

The Title IX Coordinator may combine multiple complaints that arise out of the same set of facts or circumstances into one investigation. Where multiple complainants or respondents are involved in the same investigation, the parties will only be provided with the appropriate portion(s) of the investigative documents that relate to the complaint(s) in which they are a party.

A person’s medical, counseling/psychological, and similar treatment records are privileged and confidential documents that a party will not be required to disclose. Where a party provides their written permission to share medical, counseling/psychological, and similar treatment records as part of the investigation, only the portion of the records directly related to the allegations raised in the formal complaint will be included in the case file for review by the other party and for use in the investigative process.

Evidence related to the prior sexual history of the complainant is generally not relevant to the determination of a policy violation and will only be considered in very limited circumstances. For example, to prove that someone other than the respondent committed the alleged conduct, or where the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship. However, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion.

Information regarding other acts by a party will be permitted as relevant where the nature and means of those other acts may affect credibility of the assertions in the current case. It is not required that the party have been found responsible for policy violations related to those other acts for them to be included in the current case. Any party seeking to introduce information about prior sexual history or other acts of the other party should bring this information to the attention of the investigators at the earliest opportunity.

If the Title IX Coordinator determines that reports of other acts by a party may be relevant, the Title IX Coordinator may, in their discretion, offer the information to the investigators for their consideration to determine whether it may be relevant. The investigators may determine, in their discretion, whether and how to follow up on that information within the scope of their current investigation. It is ultimately the decision-maker's discretion to determine whether the information is relevant in the current case.

Any party seeking to introduce information about prior sexual history or other acts by a party should bring this information to the attention of the investigators at the earliest opportunity. While the investigators may explore relevant areas of inquiry, the Title IX Coordinator has the discretion to make the final determination whether evidence of prior sexual history or other misconduct is relevant and should be included in the report.

If, at any time, the respondent agrees to a finding of responsibility to some or all of the charged conduct, the matter may be referred to a Formal Resolution for adjudication, or if all parties agree, referred to Informal Resolution. The College will seek to complete the investigation in a reasonable timeframe from the notice of investigation, typically within 20 business days. This time frame may be extended for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may be based on delays occasioned by the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other circumstances, all of which will likely extend the length of time it takes to complete the investigation. The Title IX Coordinator will provide regular updates to all parties regarding the progress of the investigation.

REVIEW OF EVIDENCE

The evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint will be made available to the parties and their advisors, including the evidence upon which the College may not rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence. The parties will have 10 calendar days to review the evidence. The parties will be offered the opportunity to review the evidence and provide a written response that will be submitted to the investigators for the completion of the Investigation Report.

Due to the privacy of all those involved, evidence shared in an electronic format will not be printable, downloadable or electronically shareable by the parties or their advisors. Exceptions may be made in compliance with Section 504 of the Rehabilitation Act of 1973.

INVESTIGATION REPORT

Once the parties have reviewed the evidence and have submitted responses, or the time period to submit such responses has passed, the investigators will complete any follow up they deem necessary, and write the investigation report. The investigators will consider whether the conduct alleged, if demonstrated by a preponderance of the evidence, would constitute "Sexual Harassment - Title IX," in light of the evidence gathered during the investigation, and make a recommendation to the Title IX Coordinator regarding the same. The Title IX Coordinator will review the recommendation of the investigators and make the final determination as to whether the conduct alleged, if demonstrated by a preponderance of the evidence, would constitute "Sexual Harassment – Title IX." The Title IX Coordinator will notify the parties, in writing, of the final assessment and whether or not the complaint will proceed to a hearing or be decided by the investigators.

The investigation report will include, but is not limited to, the following sections:

- overview of the complaint made and summary of the investigative methodology;
- summary of relevant information gathered, including:
 - timeline of incident being investigated;
 - complainant's account of events; respondent's account of events;
 - witness accounts;
 - evidence gathered.

The investigation report will also include:

- areas of agreement;
- areas of disagreement;

- assessment of whether or not the complaint meets one or more of the required elements of the definition of sexual harassment under Title IX, including rationale; and
- appendix containing all of the collected evidence.

The investigation report will not include

- information about the complainant's sexual predisposition or prior sexual behavior, unless:
 - the information is to prove that someone other than the respondent committed the alleged conduct; or
 - the information concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The investigation report will also not include

- information that is protected by a legally recognized privilege or
- a party's medical, counseling/psychological, and similar treatment records unless the party has given voluntary, written consent.

At the time the Title IX Coordinator shares the investigative report with the parties and their advisors, the Coordinator will include a cover letter detailing the final assessment of whether or not the conduct alleged, if demonstrated by a preponderance of the evidence, could constitute "Sexual Harassment - Title IX." This decision may be appealed by either party. Instructions and grounds for the appeal will be shared by the Title IX Coordinator in the cover letter.

Parties have 3 business days after receipt of the investigative report to submit in writing an appeal of the Title IX dismissal. When no appeal of the Title IX decision is filed, the parties have 10 calendar days beginning at the conclusion of the 3-day appeal window to submit their written response to the Investigation Report. The response may include an assertion that evidence not summarized in the report, but present in the case file, should be considered as relevant.

In a case with multiple charges, if any of the charges constitute "Sexual Harassment - Title IX," all the charges in that case will be handled at the same time through the Hearing Resolution process.

APPEAL OF TITLE IX DISMISSAL

Parties have 3 business days after receipt of the investigative report to submit in writing an appeal of a determination regarding whether the conduct constitutes "Sexual Harassment - Title IX." The appeal will be considered by an appropriately trained staff member designated by the Title IX Coordinator. The appeal decision will be communicated in writing to the parties, their advisors, and the Title IX Coordinator. The decision will also indicate the path for complaint resolution: Hearing Resolution or Investigator Resolution. From the date the appeal decision letter is shared with the parties, the parties have 10 calendar days to submit a written response to the Investigation Report. The written response will be included for consideration by the Hearing Chair/Panel or the investigators in the resolution process.

Annual Fire Safety Report

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The following report details all information required by this act for Kenyon College.

Definitions

The following terms are used within this report. Definitions have been obtained from the Higher Education Opportunity Act:

On-Campus Student Housing: A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

Fire: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Cause of fire: The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure or act of nature.

Fire drill: A supervised practice of a mandatory evacuation of a building for a fire.

Fire-related injury: Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue or escaping from the dangers of a fire. The term "person" may include students, faculty, staff, visitors, firefighters or any other individuals.

Fire-related death: Any instance in which a person (1) is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue or escaping from the dangers of a fire or (2) dies within one year of injuries sustained as a result of a fire.

Fire-safety system: Any mechanism or system related to the detection of a fire, the warning resulting from a fire or the control of a fire. This may include sprinkler systems or other fire extinguishing systems; fire detection devices; stand-alone smoke alarms; devices that alert one to the presence of a fire, such as horns, bells or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

Value of property damage: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire and related damages caused by smoke, water and overhaul; however, it does not include indirect loss, such as business interruption.

FIRE INCIDENT REPORTING

Students, faculty and staff are instructed to call 911 to report a fire emergency. Non-emergency notifications (e.g. evidence that something burned) are made to Campus Safety at 740-427-5000.

RESIDENCE HALL FIRE DRILLS

Quarterly fire drills are conducted in all on-campus residence halls during the school year to allow occupants to become familiar with and practice their evacuation skills. The drills are conducted by the Housing and Residential Life staff and Campus Safety.

Fire Safety Policies

Kenyon College takes fire safety very seriously and continues to enhance its programs to the College community through education, engineering and enforcement. Community Advisors receive special training, which includes identification and prevention of fire hazards, actual building evacuation procedures and drills, specific occupant response to fire emergencies and hands-on use of fire extinguishers.

All College residence halls have emergency evacuation plans and conduct quarterly fire drills during the school year to allow occupants to become familiar with and practice their evacuation skills.

Automatic sprinkler systems and fire alarm systems are recognized engineered building features that help to provide for a fire safe living environment. Newer College-operated residence halls and apartments are provided with automatic sprinkler systems. All buildings have smoke detectors and building fire alarm systems to provide early detection and warning of a possible fire emergency.

The College maintains and tests all fire alarms and automatic fire suppression systems in accordance with the appropriate National Fire Protection Association Standard to insure system readiness and proper operation in the event of a fire emergency.

The College has adopted and developed numerous safety policies and guidelines to help promote a safe living and work environment at all College locations. These policies, guidelines and other fire safety information can be accessed at kenyon.edu/directories/offices-services/campus-safety/emergencies.

Additional protection is provided by campus safety officers who are trained for initial response to fire incidents occurring at College facilities. Officers provide assistance in building evacuation and extinguishment / confinement of small fires. Also, eight Kenyon students have been trained and serve as full-time volunteer firefighters and EMTs with the College Township Fire Department. More information about the College Township Fire Department can be found at www.collegetownshipfd.com/Personnel.html.

IMPROPER FIRE SAFETY

- Any open flame, burning candle, incense or other incendiary device in any College residential space. Note: Candles (regardless of the condition of the wick) are not permitted, including those intended for religious purposes or observances.
- Failure to evacuate a building during a fire alarm.
- Tampering with wiring, including heating, electrical or cable television wiring.
- Possessing or discharging fireworks.
- Causing or contributing to a fire-safety hazard. This includes, but is not limited to, obstructing exits, stairwells, and hallways.
- Using live trees or other greenery as holiday decorations in student rooms, suites, apartments or living areas. All decorations must be fireproof. Decorative holiday lights must be of "mini-light" specifications. Decorations or lights may not be placed on the exterior of buildings or windows, and they may not block entrances, exits, hallways, room doors, stairwells or hallways.
- Religious and other exemptions regarding use of candles, incense, or fireworks may be granted by the Office of Residential Life (for residential spaces) or the proper administrative office that has oversight of a particular non-residential space.

NON-PERMISSIBLE SMOKING

- Use of any lighted or electronic cigarette, cigar, pipe, or hookah-smoked products is not permitted in any College building, including all residence halls, apartments, houses, and academic and administrative buildings.
- Use of such products is not permitted within 15 feet of any residence hall, public building space, or ingress or egress to such spaces.

PROHIBITED ELECTRICAL APPLIANCES AND DEVICES

- Appliances with open coils (including, but not limited to, hot plates, toasters and toaster ovens) are not permitted in College living units, except apartments, houses, and designated community kitchen spaces.
- Halogen lamps/lights
- Microwave ovens above 901 watts

ADDITIONAL PROHIBITED ITEMS IN RESIDENTIAL SPACES AND OUTDOOR COMMUNITY SPACES

- Flammable liquids (e.g. bottles of propane gas, gas for grills, lighter fluid, dangerous chemicals, etc.) are prohibited.
- Propane grills are not permitted.
- Candles, incense, scented wax burners, or any other open-flame/heating devices, regardless of wick or condition of wick and purpose, are prohibited.
- Draperies or tapestries are not allowed on ceilings, covering any lights, or on more than approximately 50 percent of walls in any room.

FIRE EVACUATION PROCEDURES

Kenyon College Housing and Residential staff provide residents with fire evacuation procedures. Fire drills are conducted twice a semester.

If you discover a fire in a residential area:

1. Activate the building fire alarm if it is not already sounding. Pull the nearest fire alarm pull station immediately.
2. Call #911 and Campus Safety at 740-427-5555 from a safe distance.

Evacuation from the residential area:

1. If there is smoke, crawl.
2. Feel doors before opening them. If the door or a metal knob is hot, do not open. If the knob is cool, brace yourself against the door, open it slightly and if heat or heavy smoke are present, close the door and stay in the room.
3. If you get trapped, keep doors closed and place cloth material around and under the door to prevent smoke from entering. Signal for help by hanging an object at the window to attract the attention of first responders.
4. Go to the nearest exit or stairway. If the nearest exit is blocked by fire, heat or smoke, go to another exit.
5. Do not use elevators.
6. Activate the building fire alarm if it is not already sounding.
7. Do not re-enter the building until safety officers say it is safe to do so.

PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY

Kenyon College continues to monitor trends related to residence hall fire incidents and alarms to provide a fire-safe living environment for all students. New programs and policies are developed as needed to help ensure the safety of all students, faculty and staff.

Fire Statistics 2019

ON-CAMPUS STUDENT HOUSING FIRE SAFETY SYSTEMS — RESIDENCE HALLS AND APARTMENTS

Residence Building	Street Address	Fire Alarm Monitoring	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation Plans Poste	Fire Drill Each Year
103 Acland Apt A, B, C	103 South Acland St	•			•	•	•	4
105 Acland Apt A & B	105 South Acland St	•			•	•	•	4
107 Acland Apts A, B, C	107 South Acland St	•			•	•	•	4
306 Wiggin St	306 Wiggin St				•	•	•	0
Bushnell Hall	208 College Park St	•			•	•	•	4
Caples Residence	217 North Acland St	•		•	•	•	•	4
Crozier Center	105 E. Wiggin St	•			•	•	•	0
Delt Lodge	103 Kokosing Dr				•	•		0
Duff Street House	119 Duff St				•	•	•	0
Farr Hall 110	110 Gaskin Ave	•		•	•	•	•	0
Farr Hall 112 A-B	112 Gaskin Ave	•		•	•	•	•	0
Farr Hall 114	114 Gaskin Ave	•		•	•	•	•	0
Gund Residence Hall	204 Ward St	•			•	•	•	4
Hanna Residence Hall	204 South College Rd	•		•	•	•	•	4
Leonard Residence Hall	204 College Park St	•			•	•	•	4
Lewis Residence Hall	202 Ward St	•			•	•	•	4
M. Mather Residence	215 N. Acland St	•	•		•	•	•	4
Manning Residence Hall	202 South College Rd	•			•	•	•	4
Market Apartments A-B	109 Chase Ave	•		•	•	•	•	0
McBride Residence	202 Gaskin Ave	•	•		•	•	•	4
Morgan Apts. 1-10	112 Duff St				•	•	•	0
NCA 1 Bennet Lane	1 Bennett Lane	•		•	•	•	•	0
NCA 10 Lepley A-C	10 Lepley Lane	•		•	•	•	•	0
NCA 11 Lepley A-C	11 Lepley Lane	•		•	•	•	•	0
NCA 12 Lepley A-C	12 Lepley Lane	•		•	•	•	•	0
NCA 13 Lepley A-C	13 Lepley Lane	•		•	•	•	•	0
NCA 14 Lepley A-C	14 Lepley Lane	•		•	•	•	•	0
NCA 15 LepleyA-C	15 Lepley Lane	•		•	•	•	•	0
NCA 16 Lepley A-B	16 Lepley Lane	•		•	•	•	•	0
NCA 17 LepleyA-C	17 Lepley Lane	•		•	•	•	•	0
NCA 18 Lepley A-C	18 Lepley Lane	•		•	•	•	•	0
NCA 19 Lepley A-B	19 Lepley Lane	•		•	•	•	•	0
NCA 20 Acland	20 Lepley Lane	•		•	•	•	•	0

Residence Building	Street Address	Fire Alarm Monitoring	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation Plans Poste	Fire Drill Each Year
NCA 216 Acland A-C	216 N. Acland Lane	•		•	•	•	•	0
NCA 220 Acland A-B	220 N. Acland Lane	•		•	•	•	•	0
NCA 3 Bennett A-C	3 Bennett Lane	•		•	•	•	•	0
NCA 304 Gaskin A-B	304 Gaskin Ave	•		•	•	•	•	0
NCA 4 Bennett A-C	4 Bennett Lane	•		•	•	•	•	0
NCA 5 Bennett A-C	5 Bennett Lane	•		•	•	•	•	0
NCA 6 Bennett A-B	6 Bennett Lane	•		•	•	•	•	0
NCA 7 Bennett A	7 Bennett Lane	•		•	•	•	•	0
NCA 8 Bennett A-C	8 Bennett Lane	•		•	•	•	•	0
New Apts B 1-4	204-B E. Woodside Dr	•			•	•	•	0
New Apts C 1-8	204-C E. Woodside Dr	•			•	•	•	0
New Apts D 1-8	204-D E. Woodside Dr	•			•	•	•	0
New Apts F 1-8	204-F E. Woodside Dr	•			•	•	•	0
New Apts. A1-4	204 -A E. Woodside Dr	•			•	•	•	0
Norton Hall	206 Ward St	•			•	•	•	4
Old Kenyon	206 College Park St	•			•	•	•	4
Snowden House	100 E. Brooklyn St	•		•	•	•	•	0
Taft Cottage B 1-3	201-B South College Rd	•		•	•	•	•	0
Taft Cottage C 1-3	201-C South College Rd	•		•	•	•	•	0
Taft Cottages A 1-3	201-A South College Rd	•		•	•	•	•	0
Taft Cottages D 1-3	201-D South College Rd	•		•	•	•	•	0
Unity House	100 E Brooklyn St	•		•	•	•	•	0
Village Inn 1-3	102 Gaskin Ave	•		•	•	•	•	0
Watson Residence Hall	205 Chase Ave.	•		•	•	•	•	4
Wilson Apts	103 N. Acland St	•		•	•	•	•	0
Zion Farm House	20245 Zion Rd				•	•	•	0

FIRE REPORTS

List of fires that were reported by calendar year.

	Location	Report #	Total Fires at this Location	Fire Number	Cause of Fire	Number of Injuries Requiring Medical Treatment at a Treatment Facility	Number of Deaths Related to Fire	Monetary Value of Property Damage
2019	103 S Acland Apartments A, B, C 103 S Acland St	F00002-2019	1	1	Result of unintentional action: Cooking, Caramel spilled over pan while baking, catching on fire	0	0	\$0.00
	Caples Residence Hall 217 N Acland St	F00001-2019	1	1	Result of unintentional action: Smoking materials, Student playing with lighter accidentally caught clothing on fire	0	0	\$0.00
	North Campus Apartments #14 A,B,C 14 Lepley Lane	F00003-2019	1	1	Result of unintentional action: Cooking, Grease fire on stove	0	0	\$0.00
	Snowden Multicultural 100 E Brooklyn St	F00004-2019	1	1	Result of unintentional action: Cooking, plastic on burner while hot causing fire	0	0	\$0.00
2018	Hanna Residence Hall 204 S. College Road	F00001-2018	1	1	Result of unintentional action: Other, Fireworks shot out of residential building window, sparks seen	0	0	\$0.00
	McBride Residence Hall 202 Gaskin Avenue	F00003-2018	1	1	Result of unintentional action: Cooking, Unapproved tea kettle caught on fire when used on stovetop	0	0	\$76.00
2017	Manning Residence Hall 202 S. College Road	F00001-2017	1	1	Result of unintentional action: Other, Fireworks shot out of building	0	0	\$0

